

## **CHAPTER 13**

### **MUNICIPAL UTILITIES**

#### **SUBCHAPTER I: GENERAL PROVISIONS**

- [13.01 Management and Control of Baraboo Water Utility and Baraboo Sewer Utility \(2033 11/14/2000\)](#)
- [13.02 Baraboo Utility Commission \(2033 11/14/2000, 2354 01/25/2011\) \(Abolished, duties given to Public Safety Committee\)](#)
- [13.03 Joint Liability for Utility Bills \(2033 11/14/2000\)](#)
- [13.04 Collection of Utility Bills in Arrears \(2033 11/14/2000\)](#)
- [13.05 to 13.07 \(Reserved\)](#)

#### **SUBCHAPTER II: BARABOO WATER UTILITY**

- [13.08 Management](#)
- [13.09 Rules and Regulations](#)
- [13.10 Setback from Water Mains in Public Right-of-Way](#)
- [13.11 Cross-Connections](#)
- [13.12 Private Well Abandonment](#)
- [13.13 Use of Water Facilities](#)
- [13.14 Booster Pumps Regulated](#)
- [13.15 Outside Service Limited](#)
- [13.16 Use of Water During Water Emergency](#)
- [13.17 Inspections, Repair & Maintenance of Water Utility Equipment, Apparatus & Works](#)
- [13.18 Non-Standard Meter Service](#)
- [13.19 Lead Service Line Replacement](#)
- [13.20 \(Reserved\)](#)
- [13.21 Penalty](#)

#### **SUBCHAPTER III: BARABOO SEWER UTILITY**

- [13.22 Management](#)
- [13.23 Setback from Sewer Mains in Public Right-of-Way](#)
- [13.24 Definitions](#)
- [13.25 Reserve Capacity Assessments](#)
- [13.26 Installation of Sewer Laterals](#)
- [13.27 Sewer Service Charges](#)
- [13.28 Annual Budget and Method of Payment of Charges](#)
- [13.29 Accounts and Funds](#)
- [13.30 Use of Public Sewers Required](#)
- [13.31 Private Sewage Disposal](#)
- [13.32 Lateral Connections](#)
- [13.33 Use of the Public Sewers](#)
- [13.33A Fats, oil and grease management at food service establishments](#)
- [13.33B Amalgam Management at Dental Offices](#)
- [13.34 Powers and Authority of Inspectors](#)
- [13.35 Residential Equivalency Charge Chart](#)
- [13.36 Septic Disposal Regulated](#)
- [13.37 Customers Outside the City Limits](#)
- [13.38.1 Sanitary Sewer Connection Charge for Lands Served by the Baraboo Northeast Quadrant Sanitary Sewer System](#)
- [13.39 \(Reserved\)](#)
- [13.40 Penalty](#)

## SUBCHAPTER IV: BARABOO STORMWATER UTILITY

[13.41 Findings and Declarations of Policy](#)

[13.42 Establishment](#)

[13.43 Authority](#)

[13.44 Interpretation](#)

[13.45 Severability of Ordinance Provisions](#)

[13.46 Definitions](#)

[13.47 Basis of Charge](#)

[13.48 Customer Classifications](#)

[13.49 Charge Formulas](#)

[13.50 Fees](#)

[13.51 Adjustments](#)

[13.52 Budget – Excess Revenues](#)

[13.53 Billing](#)

[13.54 \(Reserved\)](#)

### HISTORICAL NOTE

**Re: *Combining of the Water and Sewer Utility Operations,  
Reassignment of Duties, and  
Combining of the Water and Sewer Commissions***

Date: November 14, 2000

In early 2000, the City Common Council retained the firm of Virchow Krause and Company, LLP to review the organizational and governance structure of the Water Utility, Sewer Utility, and Public Works Departments. A final report of this study was completed in June, 2000. The study suggested three alternative organizational structures for the City Council to consider. A joint meeting of the Baraboo Common Council and the Baraboo Water Utility Commission (abolished; duties given to Public Safety Committee) was held on June 6, 2000, to discuss the reorganization. On July 11, 2000, the Council adopted Resolution No. 2000-58 and thereby decided to reorganize the Water Utility, Sewer Utility, and Public works Departments. At the same time this issue was under consideration by the Council, the City was in the process of constructing a new Public Facilities building to house the Public Works Department, Water Department, and Parks and Recreation Department. As a result of the reorganization, the Ordinance Code was revised, and on November 14, 2000, the Council adopted the ordinance changes implementing the reorganization of the above departments. As a result of this change, the position of Public Works Director was eliminated and the City Engineer's position was changed to the position of City Engineer/Planner. The position of Water Superintendent was also eliminated and a new position known as Utility Superintendent was created. The Utility Superintendent became in charge of the supervision and management of the Sewer Utility and Water Utility. The ordinance also eliminated the Water Commission and Sewer Commission and created a single Utility Commission. With the elimination of the Water Commission, the Council established that the Water Utility and Sewer Utility will be under the direct management and control of the Board of Public Works which constitutes the members of the Common Council. The ordinance changes granted specific powers and duties to the Utility Commission (abolished; duties given to Public Safety Committee) to take charge of the day-to-day operations of both the Water Utility and the Sewer Utility. With the elimination of the position of Public Works Director, many of the duties of the Public Works Director were transferred to the Street Superintendent and to the Utility Superintendent.

## SUBCHAPTER I: GENERAL PROVISIONS

### 13.01 MANAGEMENT AND CONTROL OF BARABOO WATER UTILITY AND BARABOO SEWER UTILITY

- (1) BOARD OF PUBLIC WORKS. The Board of Public Works shall be in charge of the management, operation, control, and supervision of the Baraboo Water Utility and the Baraboo Sewer Utility. Public Safety Committee shall operate under the general control and supervision of the Board of Public Works and shall have the powers and duties set forth in §13.02(2) and such additional powers and duties as may be delegated from time to

time by the Board of Public Works. The Board shall be authorized to adopt rules and regulations for the operation and management of the Water Utility and Sewer Utility. (2033 11/14/2000; 2354 (01/25/2011))

### 13.02 BARABOO UTILITY COMMISSION (2033 11/14/2000)

The Baraboo Utility Commission is abolished and the duties of the Commission shall be taken over by the Public Safety Committee. (2354 01/25/11)

- (1) POWERS AND DUTIES. The Public Safety Committee shall provide oversight to all

- (2) Baraboo Utilities. The Public Safety Committee is not a commission created under §66.0805, Wis.Stats. The Committee shall have the powers and duties set forth below and such additional powers as may be delegated from time to time by the Common Council. (2354 01/25/11)
- (a) To make rules or by-laws for its own proceedings and for carrying out the powers and duties granted to the Commission. The Commission shall choose from among its number, a President and a Secretary.
  - (b) To recommend to the Board of Public Works, the number of employees needed to operate the Wastewater Treatment Plant and the Baraboo Water Utility and, upon approval of the Board of Public Works, except for the position of Utility Superintendent, to hire, control, and replace, employees of the Water Utility and Sewer Utility as required. Recommend to the Board of Public Works the compensation to be paid to employees of the Water Utility and Sewer Utility.
  - (c) To extend water lines and sewer lines as necessary.
  - (d) To maintain water maps, sewer maps, plans, and profiles for the water and sewer system, in cooperation with the City Engineer.
  - (e) To purchase all material, fuel, or equipment necessary for the operation of the Water Utility and Sewer Utility.
  - (f) To maintain the water works system and the sanitary sewer collection system and to construct new water main extensions and new sewer main extensions as required.
  - (g) To keep the Water Utility books and records of account in the manner and form prescribed by the Public Service Commission.
  - (h) To maintain and keep in effect the necessary insurance coverages in conjunction with other city insurance and to periodically update the City Finance Committee regarding the necessary insurance coverage of the property of the Water Utility and Sewer Utility.
  - (i) To submit an annual report to the Board of Public Works by January 31<sup>st</sup> each year.
  - (j) To prepare and submit an annual budget for the Water Utility and the Sewer Utility pursuant to the provisions of §3.04 of this Code. The budget shall include the recommended water rates and sewer rates for the coming year.

- (k) To maintain, through the City Treasurer, the following funds:
- (l) Public Works. In the event of an emergency, to expend up to \$10,000 for the replacement or repair of equipment and/or other repairs without first obtaining the approval of the Board of Public Works, provided the Board is promptly notified of such action.
- (m) To keep the Wastewater Treatment Plant and sanitary sewer lines in good repair and to make any additions or extensions to the same as may be required, but not more than \$25,000 shall be expended for maintenance, repairs, additions, or extensions thereof within a calendar year without the permission of the Board of Public Works. In the event of an emergency, to expend up to \$10,000 for the replacement or repair of equipment and/or other repairs without first obtaining the approval of the Board of Public Works, provided the Board is promptly notified of such action.”
- (n) To review and grant or deny permits required by Ch. 13.
- (o) To see to it that the inspections required by Ch. 13 are made.”
- (p) To approve or disapprove claims for budget and expenditures of the Water Utility and Sewer Utility.

**13.03 JOINT LIABILITY FOR UTILITY BILLS.** The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the City only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefore to the City. (2033 11/14/2000)

**13.04 COLLECTION OF UTILITY BILLS IN ARREARS.** (2033 11/14/2000)

- (1) **AUTHORITY.** All water and sewer service charges unpaid and in arrears on October 1 of each year shall be collected in accordance with the procedure hereinafter provided pursuant to the authority granted in §§66.0809 and 66.0821, Wis. Stats., respectively.
- (2) **PROCEDURE.**
  - (a) On or about October 1 of each year the Public Safety Committee shall compile a list of all unpaid utility bills, including penalties, which are in arrears.
  - (b) On October 15<sup>th</sup> of each year the Utility Superintendent shall mail a notice of such arrearages by first

class mail to the occupant and to the owner of the premises receiving such utility service.

- (c) In the event any such utility bill is not paid by November 1 thereafter, a penalty of 10% shall be added thereto.
- (d) In the event any such utility bill is not paid by November 15 thereafter, the Utility Superintendent shall certify and file with the City Clerk a list of all lots or parcels of real estate, giving the legal description thereof, to the owners or occupants of which notice of arrears in payment were given and which still remain unpaid, and stating the amount of such arrears, together with added penalty. The City Clerk, on November 16<sup>th</sup>, shall place the amount of such arrearages, together with penalty on the tax roll as a tax against the lot or parcel of real estate for which water and sewer services were provided.”

#### 13.05 to 13.07 (Reserved)

### SUBCHAPTER II: BARABOO WATER UTILITY

**13.08 MANAGEMENT.** The Baraboo Water Utility shall be under the charge and management of the Board of Public Works, subject to the powers and duties granted to the Utility Commission as provided in Subch. I above. (2033 11/14/2000)

**13.09 RULES AND REGULATIONS.** (2033 11/14/2000)

- (1) **GENERAL.** The rules and regulations governing the operation of the Baraboo Water Utility shall be those on file with and approved by the Wisconsin Public Service Commission. A violation of any such rules and regulations shall be a violation of this subchapter.
- (2) **OPERATING RULES.**
  - (a) All persons now receiving water service from the Utility or who may hereafter make application therefore shall be considered as having agreed to be bound by all rules and regulations as filed with the Public Service Commission.
  - (b) The applicable provisions of Wis. Adm. Code PSC 185 relating to water service are hereby adopted by reference and made a part of these rules as if set forth in full. A violation of such rules shall constitute a violation of this section and shall be

punishable as provided in §13.21 of this subchapter.

- (3) **Connection to Municipal Water System.** When property is annexed to the City of Baraboo, and when the property is able to be connected to the municipal water system, such property shall be required to make the connection to the municipal water system upon any of the following conditions being met: (2238 10/10/2006)
  - (a) A change in ownership of the property.
  - (b) A change in use of the property.
  - (c) The expiration of five (5) years from the date of annexation.

#### **13.10 SETBACK FROM WATER MAINS IN PUBLIC RIGHT-OF-WAY.**

No person, including any public utility, shall lay, place, locate, or relocate any gas, electrical, telecommunications, cable communications, or other main, pipe, or line within five feet of either side of a Baraboo Water Utility water main or lateral within the public right-of-way, without the prior written consent of the Utility Superintendent. Determinations made by the Utility Superintendent may be appealed to the Public Safety Committee, and where, in the judgment of the Public Safety Committee, it would be inappropriate due to special conditions to apply literally the provisions of this subsection, the Public Safety Committee may waive or modify such requirements to the extent deemed just and proper so that substantial justice may be done and the public interest served. Except as provided in Ch. 15, this Subsection shall not apply to City-owned sanitary sewer mains or laterals. (2033 11/14/2000, 2172 12/14/04)

#### **13.11 CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION** (2357 03-22-2011)

- (1) **Definitions.** The following definitions shall apply to this section:
  - (a) **Backflow.** The undesirable flow of water or mixtures of water and other liquids, gases or other substances under positive or reduced pressure into the Baraboo Water Utility distribution pipes of the potable supply of water from any source(s).
  - (b) **Backflow preventer.** A device or means designed to prevent backflow caused by backpressure or back-siphonage. Most commonly categorized as air gap, reduced pressure principle backflow preventer, double check valve

- assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose connection vacuum breaker, hose connection backflow preventer, backflow preventer with intermediate atmospheric vent, and barometric loop.
- (c) **Backpressure.** An elevation of pressure in the downstream piping system (i.e. pump, elevation of piping, or steam and/or air pressure) above the Utility supply pressure, which would cause, or tend to cause, a reversal of the normal direction of flow.
- (d) **Back-siphonage.** The flow of water or other liquids, mixtures or substances into the distribution pipes of the Utility's potable water supply system from any source caused by the sudden reduction of pressure in the Utility potable water supply system.
- (e) **Cross-connection.** Any physical connection or arrangement between two (2) otherwise separate systems, one (1) of which contains potable water from the Utility, and the other containing water from a private source, water of unknown or questionable safety, or steam, gases or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.
- (2) **Cross-connections prohibited.** No person shall establish or permit to be established or maintain or permit to be maintained any cross-connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the public water supply of the Utility may enter the supply or distribution system of the Utility, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Utility and by the State of Wisconsin Department of Natural Resources.
- (3) **Inspections.** It shall be the duty of the City of Baraboo Public Safety Committee to cause inspections to be made of all properties serviced by the Utility where cross-connection with the public water system is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Commission and as approved by the Wisconsin Department of Natural Resources. The Utility may, but is not required to, perform the cross-connection inspection of the owner's property. If, in the opinion of the Utility, the Utility is not able to perform the inspection, the property owner must, at their own expense, have the plumbing inspected for cross-connections by a State of Wisconsin Certified Cross-Connection Inspector/Surveyor or by a State of Wisconsin licensed plumber. The frequency of required inspections and re-inspections, based on potential health hazards involved, may be shortened by the Utility. The Utility shall charge fees as approved by the State of Wisconsin Public Service Commission for on-premises follow-up visits by Utility personnel for re-inspection due to customer non-compliance and for after-hours inspections or re-inspections.
- (4) **Right of entry.** Upon presentation of credentials, representatives of the Utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the Utility for cross-connections. If entry is refused, such representatives shall obtain a special inspection warrant under W.S.A. §66.0119. Upon request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system on such property.
- (5) **Authority to discontinue service.** The Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued if the means of backflow prevention required by the Utility is not installed, tested, maintained and repaired in compliance with this

ordinance and Wisconsin Administrative Code NR 811 or if it is found that the means of backflow prevention required by this ordinance has been removed or bypassed. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Baraboo Code of Ordinances Chapter 6, except as provided in subsection (7) of this section.

- (6) **Reconnection of service.** Water service to any property discontinued under the provisions of this ordinance shall not be restored until the cross-connection has been eliminated or a backflow prevention device approved by the Utility has been installed in compliance with the provisions of this section. The Utility shall charge fees as approved by the State of Wisconsin Public Service Commission for the reconnection of the water service.
- (7) **Emergency discontinuance of service.** If it is determined by the Utility that a cross-connection or an emergency endangers public health, safety or welfare and requires immediate action, service may be immediately discontinued. The owner, lessee or occupant shall have an opportunity for hearing under Baraboo Code of Ordinances Chapter 6, within ten (10) days of such emergency discontinuance. Such hearing shall be before the City of Baraboo Administrative Review Committee and shall conform to all existing due process requirements.
- (8) **Owner responsibility.** The property owner shall be responsible for the elimination of or protection from all cross-connections on their premises. The owner shall at their expense, have installed, maintained, and tested, any and all backflow preventers on their premises in compliance with Wisconsin Administrative Code NR 811 and Comm 82. The property owner shall have corrected any malfunction, revealed by periodic testing, of any backflow preventer(s) on their premises. The property owner shall inform the Utility of any proposed or modified cross-connections and also any existing cross-connections, which are not protected by an approved backflow prevention device. The property owner shall not install a by-pass around any backflow preventer unless

there is a backflow preventer of the same type on the by-pass. Property owners who cannot shut down operation for testing of the backflow prevention device(s) must supply additional devices necessary to allow testing to take place. In the event the property owner installs plumbing upstream of the backflow preventer, such plumbing must have its own approved backflow preventer.

- (9) **Additional Protection.** In the case of premises having (1) internal cross-connections that cannot be permanently corrected or controlled, or (2) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow preventer in the service line. In the case of any premises where there is any material dangerous to health that is handled in such a manner, that in the opinion of the Utility could create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow preventer. Examples of premises where these conditions will exist include sewage treatment plants, hospitals, mortuaries, plating plants and car wash establishments. In the case of any premises where, in the opinion of the Utility, an undue health threat is posed because of the presence of toxic substances, the Utility may require an approved air gap at the service connection to protect the public water system. This requirement will be at the discretion of the Utility.
- (10) **Wisconsin Administrative Code.** Comm 82, Wisconsin Administrative Code, is hereby adopted, except any penalty provisions therein. Wisconsin Administrative Code NR 811 is hereby adopted.
- (11) **Plumbing Codes.** This section does not supersede the State of Wisconsin Plumbing Code, Comm 81 – 85, or the City Plumbing Code, Chapter 15, Baraboo Municipal Code, but is supplementary to them.

- (12) **Recommended Practice.** The property owner will be required to follow the recommended protection practices described in the American Water Works Association publication #AWWA M14 titled "Recommended Practice for Backflow Prevention and Cross-Connection Control" unless the Utility requires or authorizes other means of protecting the public water system. These requirements or authorizations will be at the discretion of the Utility.

**13.12 PRIVATE WELL ABANDONMENT.** (1704 10/05/93)

(1) **DEFINITIONS.**

- (a) "City water system" means the City of Baraboo water utility system operated by the Board of Public Works. (2033 11/14/2000)
- (b) "Non-complying" means a well or pump installation which does not comply with the provisions of Ch. NR 812, Wisconsin Administrative Code, in effect at the time the well was constructed, a contamination source was installed, the pump was installed or work was done on either the well or pump installation.
- (c) "Pump installation" means the pump and related equipment used for withdrawing water from a well including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.
- (d) "Unsafe" means a well or pump installation that produces water which is bacteriology contaminated or contaminated with substances in excess of the standards of Chs. NR 809 or 140, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.
- (e) "Unused" means a well or pump installation that is not in use or does not have a functional pumping system.
- (f) "Well" means an excavation or opening into the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater for consumption or other use.
- (g) "Well abandonment" means the filling and sealing of a well according to the provisions of Ch. NR 812, Wisconsin Administrative Code.

- (2) **APPLICATION OF STATE CODES.** Wisconsin Adm. Code NR 812 is hereby adopted by reference and made a part of this

section as if fully set forth herein. Any act required to be performed or prohibited by said chapter shall be required or prohibited by this section. Any future amendments, revisions or modifications of NR 812 is incorporated herein and is intended to be made part of this section in order to protect the public health, safety and welfare by assuring that unused, unsafe or non-complying wells or wells which may serve as conduits for contamination or wells which may be illegally cross connected to the City water system are properly abandoned.

- (3) **ABANDONMENT REQUIRED.** All wells located on premises served by the City water system shall be abandoned in accordance with the terms of this ordinance and Ch. NR 812 Wisconsin Administrative Code, by December 31, 1993 or no later than 1 year from the date of connection to the City water system which-ever occurs last, unless a well operation permit has been obtained by the well owner from the Public Safety Committee. (2033 11/14/2000)

- (4) **WELL OPERATION PERMIT.** The Public Safety Committee may grant a permit to a private well owner to operate a well for a period not to exceed 5 years providing the conditions of this section are met. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this section are met. The Public Safety Committee, or its agent, may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Utility Superintendent. The following conditions must be met for issuance or renewal of a well operation permit: (2033 11/14/2000)

The well and pump installation shall meet or shall be upgraded to meet the requirements of Ch. NR 812, Wisconsin Administrative Code,

- (b) The well construction and pump installation shall have a history of producing bacteriologically safe water as evidenced by at least 2 samplings taken a minimum of 2 weeks apart. No exception to this condition may be made for unsafe wells, unless the Department of Natural Resources approves, in writing, the continued use of the well,
- (c) There shall be no cross connections between the well and pump installation and the City water system, and

- (d) The proposed use of the well and pump installation must be justified as being necessary in addition to or in lieu of water provided by the City water system.
- (e) A permit fee as set forth in the City's Official Fee Schedule shall be paid for each permit application and renewal. (1710 12/1/93)

- (5) **ABANDONMENT PROCEDURES.** All wells abandoned under the jurisdiction of this ordinance shall be abandoned according to the procedures and methods of Ch. NR 812, Wisconsin Administrative Code. All debris, pump, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment. The owner of the well, or the owner's agent, shall notify the Utility Superintendent at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by the Utility Superintendent. An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Utility Superintendent and the Department of Natural Resources within 10 days of the completion of the well abandonment.

### **13.13 USE OF WATER FACILITIES.**

- (1) **PROHIBITED.** Except as provided in sub. (2) below, it shall be unlawful for any person to open, injure or meddle with any hydrant, water main, tap, corporation stop, box or cover belonging to the Baraboo Water Utility without first having obtained proper authority therefore from the Utility Superintendent. (2033 11/14/2000)
- (2) **EXCEPTIONS.** Subsection (1) above shall not apply to the use of the said hydrants by any authorized employee of the City or by the City Fire Department.

### **13.14 BOOSTER PUMPS REGULATED.**

- (1) **APPROVAL REQUIRED.** It shall be unlawful for any person to install any booster pump or pumps on any water service line connected to the City water supply without the written approval of the Utility Superintendent and the Plumbing Inspector. (2033 11/14/2000)
- (2) **CAPACITY LIMITED.** No booster pump or pumps on any water service line connected to the City water supply shall be installed if said pump or pumps have a discharge capacity greater than 60% of the available flow at 20 pounds per square inch residual

pressure at the proposed location of the pump installation.

- (3) **PENALTY.** In addition to the penalty provided in §13.21 of this subchapter, any person convicted of a violation shall pay to the City any damages caused by the unlawful installation of any pumps.

### **13.15 OUTSIDE SERVICE LIMITED.**

(2378 04/24/2012; 2387 08/28/2012; 2443 07/26/2016, 2467 09/26/17, 2562 10/13/2020)

- (1) The following specific connection charges are established at this time:

- (a) Watermain installed in 1995 along the westerly side of USH 12 between Sauk Avenue and Hatchery Road.

1. The total cost of the watermain improvements was \$2,406.60.
2. The length of benefitting frontage was 150 feet.
3. The connection fee is hereby established as \$16.044 per linear foot.
4. The Final Report of the City Engineer, a copy of which is on file in the office of the City Engineer is incorporated herein by reference as if fully set forth herein, and the plans and specifications and connection fees forth therein are adopted and approved.
5. The City Engineer supervised construction of the improvements in accordance with the report hereby adopted.
6. Payment for the improvements shall be made by allocating 100% of the City cost to the property benefited as indicated in the report.

- (b) Watermain installed in 1995 lying along the east side of Industrial Court from Carpenter Street south 700' and along the north side of Carpenter Street between Industrial Court and Krista Court.

1. The total cost of the watermain improvements was \$14,160.63.
2. The length of benefitting frontage was 838.9 feet.
3. The connection fee is hereby established as \$16.88 per linear foot.
4. The cost of each water service installed was \$224.65.
5. The Final Report of the City Engineer, a copy of which is on file in the office of the City Engineer is incorporated herein by reference as if fully set forth herein, and the plans and specifications and connection fees forth therein are adopted and approved.
6. The City Engineer supervised construction of the improvements in accordance with the report hereby adopted.



7. Payment for the improvements shall be made by allocating 100% of the City cost to the property benefited as indicated in the report.

(c) Watermain installed in 2006 on Carpenter Street between Moore Street and Industrial Court.

1. The total cost of the watermain improvements was \$33,044.43.
2. The length of benefitting frontage was 1,295.86 feet.
3. The connection fee is hereby established as \$25.50 per linear foot.
4. The Final Report of the City Engineer, a copy of which is on file in the office of the City Engineer is incorporated herein by reference as if fully set forth herein, and the plans and specifications and connection fees forth therein are adopted and approved.
5. The City Engineer supervised construction of the improvements in accordance with the report hereby adopted.
6. Payment for the improvements shall be made by allocating 100% of the City cost to the property benefited as indicated in the report.

(d) Watermain installed in 2007 on Carpenter Street between USH 12 and Lisa Court.

1. The total cost of the watermain improvements was \$15,775.00.
2. The length of benefitting frontage was 669.28 feet.
3. The connection fee is hereby established as \$19.92 per linear foot.
4. The Final Report of the City Engineer, a copy of which is on file in the office of the City Engineer is incorporated herein by reference as if fully set forth herein, and the plans and specifications and connection fees forth therein are adopted and approved.
5. The City Engineer supervised construction of the improvements in accordance with the report hereby adopted.
6. Payment for the improvements shall be made by allocating 100% of the City cost to the property benefited as indicated in the report.

(e) Watermain installed in 2007 on City View Road between CTH A (East Street) and Surrey Lane.

1. The total cost of the watermain improvements was \$154,158.00.
2. The length of benefitting frontage was 6,384.1 feet.
3. The connection fee is hereby established as \$20.79 per linear foot.
4. The Final Report of the City Engineer, a copy of which is on file in the office of the City Engineer is incorporated

herein by reference as if fully set forth herein, and the plans and specifications and connection fees forth therein are adopted and approved.

5. The City Engineer supervised construction of the improvements in accordance with the report hereby adopted.

6. Payment for the improvements shall be made by allocating 100% of the City cost to the property benefited as indicated in the report.

Since the benefitting properties are currently located in the Town of Baraboo, the connection fees shall be deferred until annexation of said property to the City of Baraboo and subsequent connection to the watermain sewer if not previously connected, in which case it shall be paid in full to the City Treasurer in full within 30 days from the date of invoice, except the following payment options are available:

- 3-year installment agreement for connection fees between \$500 and \$1,000. Pay 1/3 down within 30 days of date of invoice and sign an installment agreement. Interest rate will be the prime lending rate at the time of the agreement plus 1½%. Interest is charged starting 30 days after the invoice date and future installments will be entered on the tax roll for collection.
- 5-year installment agreement for connection fees over \$1,000. Pay 1/5<sup>th</sup> down within 30 days of date of invoice and sign an installment agreement. Interest rate will be the prime lending rate at the time of the agreement plus 1½%. Interest is charged starting 30 days after the invoice date and future installments will be entered on the tax roll for collection.
- 10-year installment agreement for connection fees over \$10,000. Pay 1/10<sup>th</sup> down within 30 days of date of invoice and sign an installment agreement. Interest rate will be the prime lending rate at the time of the agreement plus 1½%. Interest is charged starting 30 days after the invoice date and future installments will be entered on the tax roll for collection.
- Community Development Block Grant for connection fees over \$1,000. Applicant must be at 80% or less of median income for Sauk County and meet program qualifications. Funds are subject to availability. Application must be made to Community Development Authority and verification of application must be delivered to City Treasurer within 30 days of date of invoice. Interest will be waived during application process.
- Financial Hardship. A property owner who has a household income which is 50% or less of the medium income in Sauk County based upon the current published figures, or who is not eligible for a Community Development Block Grant loan as stated above, shall be eligible to repay the City for the connection fee

at the rate of \$300 per year plus annual interest of 3% until paid. The Community Development Authority staff shall verify low-income eligibility and shall make a recommendation as to such eligibility to the City Council. If there is an outstanding balance at the time of sale of the property, the remaining balance shall become due. A property owner requesting financial hardship eligibility shall submit a copy of their current year State of Wisconsin tax return if filed, or otherwise show proof of annual household income.

- Balance on Tax Roll. If the property owner does not pay in full within 30 days from the invoice date or qualify for an installment plan, the entire balance will be placed on the next tax roll as a special charge for collection with interest added at 1% per month (APR 12%).

In all cases, the deferral of payment shall be become immediately due and payable to the City, without notice, if the property owner defaults in the payment of any installment for a period of 30 days following the specified due date thereof, or if the property owner shall transfer, sell or convey any legal or equitable interest in the lot or parcel subject to the special tax herein. If all or any part of any installment is not made in accordance with the terms of this resolution, the entire unpaid principal balance, together with the accrued interest thereon, shall at the City's option, be deemed to be delinquent and said amount shall be applied to the current or next property tax roll as a delinquent special tax against the subject lot or parcel of land and immediately upon being placed on the tax roll as a delinquent special tax, interest shall accrue thereon, at the then existing rate for delinquent taxes, and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply.

(2) Except as specifically described in this subsection, no other territory, property or person outside the incorporated limits of the City of Baraboo shall be connected to the City Water service. Pursuant to §66.0813, Stats., the City hereby restricts its holding out to provide water service in unincorporated areas to the territory specifically set forth as follows: (1494 02/23/88, 1596 03/12/91, 1754 07/19/94)

- (1) The West 360 feet of the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) of Section Twenty-four(24), Township Twelve (12) North, Range Six (6) East, Except the South 145 feet thereof. (Ramsey 1986).
- (2) Part of the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4 ), Section 24, Town 12 North, Range 6 East, beginning 887.45 feet South of the Northwest corner, thence South 130 feet, thence East 360 feet, thence North 130 feet, thence

West 360 feet to the place of beginning. (Quandt) 1986.

- (3) Lot ONE (1), G&B Subdivision, located in the NW1/4 SW1/4 Section 24-12-6, Town of Fairfield, Sauk County, Wisconsin. (Fortier) 1986.
- (4) Lot Three (3), G&B Subdivision, located in the NW1/4 SW1/4 Section 24-12-6, Town of Fairfield, Sauk County, Wisconsin. (Husak) 1986
- (5) The East four hundred (400) feet of the Northwest quarter of the Southwest Quarter (NW 1/4 SW 1/4 ) of Section 24, Town 12 North, Range 6 East. (Circus City) 1986.
- (6) The East 8 rods of the South 20 rods of the Southwest quarter of the Northwest Quarter (SW 1/4 NW 1/4 ) of Section 24, Township 12 North, Range 6 East. (Matejka) 1986.
- (7) The West ten (10) acres of the East twenty (20) acres of the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4 ) of Section twenty-four (24), Township twelve (12) North, of Range six (6) East. (Phippen) 1986.
- (8) The South 320 feet of the East 270 feet of the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4), Section 24, Township 12 North, Range 6 East, Sauk County, Wisconsin. (Stevens) 1988.
- (9) A parcel of land in the NE 1/4 NE 1/4 Section 3, Town 11 North, Range 6 East more particularly described as follows:  
Beginning at a point on the existing City limits, which point is on the centerline of Moore Street, which point in on the East line of said NE 1/4 NE 1/4, which point is 1726.23 feet N0° - 07' - 16"E from the East one-quarter corner of aforesaid Section 3; thence N89° - 29' 14" W 182.5 feet; thence N0° -07' - 16" E 525 feet; thence S89° - 29' -14"E 182.5 feet; thence S0° -07' -16"W 525 feet to the point of beginning.
- (10) Also a parcel of land in the SE 1/4 SE 1/4 Section 34, Town 11 North, Range 6 East, more particularly described as follows:  
Beginning at the Southeast corner of said Section 34, which point is the centerline of Moore Street; thence N89° - 11' -39" W 165 feet; thence N0° - 11' -50" E 240 feet, more or less, to the Southerly right-of-way line of the Chicago and Northwestern Transportation Company; thence Southeasterly along said right-of-way line to the East line of said SE 1/4 SE 1/4, thence S0° - 11' - 50" W to the point of beginning. (Moore St. south of RR)

- (11) A parcel of land located in Section 34, Town 11 North, Range 6 East more particularly described as follows:

Beginning at the Southeast corner of Section 34, T12N, R6E; thence North along the East line of said section approximately 325 feet to the intersection of the North Right of Way line of the Chicago and Northwestern Transportation Company said point being the point of beginning, thence continuing North along the East line of Section 34, 525 feet, thence West 148.5 feet, thence South 460 feet plus or minus to the North ROW line of the Chicago and Northwestern Transportation Company right of way, thence southeasterly along said row approximately 155 feet to the point of beginning. (Moore St. north of RR)

- (12) A parcel of land located in Section 26 Town 12 North, Range 6 East, more particularly described as follows:

Beginning at the Northeast corner of the NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  Section 26 thence West along the north line of said  $\frac{1}{4}$   $\frac{1}{4}$  section 600 feet, thence South 330 feet, thence East 350 feet, thence South 630 feet, thence West 350 feet, thence South 300 feet, thence East 600 feet plus or minus to the East line of said  $\frac{1}{4}$   $\frac{1}{4}$  section, thence North along the East line of said  $\frac{1}{4}$   $\frac{1}{4}$  section to the point of beginning. (East Street)

- (13) The incorporated Village of West Baraboo. 1935.

- (14) Commencing at the Southwest corner of the Southwest Quarter of the Northwest Quarter (SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ ), Section Twenty-four (24), Township Twelve (12) North, Range Six (6) East, (being the intersection of the Town Road running east and west thru the middle of Section 24), thence east 40 rods to the point of beginning; thence north 20 rods; thence east 16 rods; thence south 20 rods; thence west 16 rods to the point of beginning, being two acres. (Perez) 1989.

- (15) A parcel of land located in Section 24, Town 12 North, Range 6 East, more particularly described as follows:

The North one-half of the South one-half of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ , NW $\frac{1}{4}$ ), Section Twenty-Four (24), Township (12) North, Range Six (6) East, except lands conveyed to Sauk County for highway purposes.

- (16) A 10.46-acre parcel of land located in Section 24, Town 12 North, Range 6 East, more particularly described as follows: Lot 2 of Sauk County Certified Survey Map No. 5557 in the Town of Fairfield, Sauk County, Wisconsin.

- (17) A 40-acre parcel of land located on the south side of Trap Shoot Rd approximately  $\frac{1}{4}$  mile east of CTH A in Section 24, Town 12 North, Range 6 East, more particularly described as follows: The NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 24, T12N, R6E, in the Town of Fairfield, Sauk County, Wisconsin.

See Maps at end of Chapter.

### 13.16. USE OF WATER DURING WATER EMERGENCY. (1715 12/22/93)

#### (1) DEFINITIONS

- (a) Water Emergency. Any natural disaster or manmade calamity including flood, storm, conflagration, cyclone, tornado, earthquake or explosion, or failure of power supply or any other occurrence that results in the interruption or impairment of the City's water service to such an extent that extra ordinary measures must be taken to protect the public health, safety and welfare in order to prevent or mitigate the interruption or impairment of water service.
- (b) Water Customer. Any person, owner or occupant, firm, partnership, corporation, municipality, cooperative organization, governmental agency, political entity, etc. provided with water service or receiving water service by or from the City of Baraboo Water Utility.

#### (2) APPLICATION OF REGULATIONS.

The provisions of this section shall apply to all water customers both in and outside the City and regardless of whether any water customer shall have a contract for water service with the City Water Utility.

#### (3) DECLARATION OF WATER EMERGENCY. The following provisions shall apply in the event of a water emergency:

- (a) The Mayor, or the Emergency Government Director in the absence of the Mayor, or the Common Council, may proclaim a state of water emergency for the City of Baraboo Water Utility if he or she determines that a water emergency exists. The duration of such state of water emergencies shall not exceed 30 days unless extended by resolution of the Common Council after considering the recommendation of the Public Safety Committee. A copy of the proclamation shall be filed with the City Emergency Government Director, the Utility Superintendent and shall be posted in 3 public places. A proclamation of a state

of water emergency shall be deemed in effect immediately upon the posting of the proclamation in 3 public places. Such proclamation may be rescinded by the Mayor or the Emergency Government Director in the absence of the Mayor, or by the Common Council at any time. (2033 11/14/2000)

- (b) Any such proclamation of a water emergency may further provide for the rationing of water and may prohibit specific water customers from using City water during the water emergency. In determining those water customers who may use water and those customers who shall not use water during a state of water emergency, the proclamation shall consider whether the water usage is essential or non-essential usage from the standpoint of the public health, safety and welfare. The following uses by water customers are determined to be essential uses listed in order of decreasing priority:

1. Fire protection.
2. Medical care providers such as hospitals, nursing homes and other institutions caring for the sick and elderly.
3. Domestic use for cooking and drinking and drinking water by employees of commercial businesses and industries.
4. Industries who are water customers and use water for processing animal, vegetable and mineral matter for producing food for human consumption.

The following uses by water customers are determined to be nonessential listed in order of increasing priority:

1. Flushing of streets, skating ponds, dust control, etc.
2. The filling of swimming and wading pools, the sprinkling, watering or irrigation of shrubbery, trees, lawn grass or other vegetation, or the operation of any ornamental fountain or other structure making a similar use of water.
3. The washing of automobiles, trucks, trailers or any other type of mobile equipment.

4. The washing of the inside and outside of office buildings and dwellings.
5. The washing and cleaning of any business or industrial equipment and machinery.
6. Commercial and industrial water customers using water as an integral part of the manufacturing process for cooling, cleaning, production, etc.
7. Occasional domestic use of water for minimal cleanliness such as bathing and washing of clothes. The proclamation may specify which, if any, essential uses of water may be permitted during any water emergency and may prohibit any water customer from using any water during a specified period of time, or may specify the volume of water in gallons that any water customer may use for a specified period of time. The proclamation may include such orders as is deemed necessary for the protection and security of the public health, safety and welfare.

- (4) Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction or by the Public Service Commission, such portion(s) shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portion(s) thereof.

- (5) Penalty. Any water customer or any person who violates any order, or proclamation made pursuant to this Ordinance shall, upon conviction thereof, forfeit no more than \$10,000.00 for each such offense and each gallon of water used by a water customer or person in violation of any such order or proclamation shall constitute a separate offense.

**13.17. INSPECTIONS, REPAIR AND MAINTENANCE OF WATER UTILITY EQUIPMENT, APPARATUS AND WORKS.**  
(1814 06/13/95)

- (1) STATE REGULATIONS ADOPTED. Wis. Admin. Code, Subchapter XI-Distribution Systems, NR 811.61 through NR 811.71 and §196.117, Wis. Stats. are hereby adopted and by reference made a part of this Chapter with the

same force and effect as though set out in full. The Utility Superintendent shall enforce the provisions thereof. Any act required to be performed or prohibited by said Code provisions incorporated by reference is required or prohibited by this section. Any future amendments, revisions or modifications of the Wis. Admin. Code provisions incorporated herein are intended to be made part of this section. Failure to comply with any of the provisions of such regulations shall constitute a violation of this Chapter, punishable according to the penalties provided herein. (2033 11/14/2000)

- (2) DEFINITIONS. In this Section "fire hydrant" shall mean a hydrant satisfying the minimum specifications set forth in NR 811.64 Wis. Admin. Code.
- (3) REGULATION OF FIRE HYDRANTS. No person shall install a fire hydrant connected to the Baraboo Water Utility distribution system unless the fire hydrant has been pre-approved by the Utility Superintendent or by such other person authorized by the Superintendent to grant such approval. (See also Ch. 5 of the Code). (2033 11/14/2000)
- (4) INSPECTIONS AUTHORIZED. Any officer, agent or employee of the Baraboo Water Utility may enter, at any reasonable time, any building, place or premises supplied with water by the Utility for the purpose of inspecting, examining, repairing, testing, installing, maintaining or removing meters, pipes, fittings, wires, fire hydrants, mains, apparatus, appliances or water works system for supplying or regulating the supply of water or for the purpose of ascertaining the quantity of water supplied, or for the purpose of ascertaining compliance with this chapter.
- (5) PROOF OF AUTHORIZATION TO ENTER PROPERTY. No officer, agent or employee of the Baraboo Water Utility may enter any premises pursuant to this section unless the officer, agent or employee:
  - (a) Was duly appointed by the Public Safety Committee for the purpose of acting under this section; and
  - (b) Exhibits written authority signed by the Utility Superintendent or the Chairperson of the Public Safety Committee.
- (5) CORRECTION OF VIOLATIONS. Whenever any inspection made under this section reveals a violation of this chapter, the Utility Superintendent or the person making the inspection shall personally deliver or mail by certified mail, return receipt requested, a

written compliance order to the owner of the property and to the occupant of the property if the property is occupied by a person not the owner thereof, giving said persons a reasonable time, not to exceed 60 days, to correct all violations. If a violation is not corrected within the grace period allowed, a second written compliance order shall be personally delivered or mailed by certified mail, return receipt requested, to the same persons giving said persons an additional grace period not to exceed 30 days, to correct the violations. If any violation is not corrected within the grace period allowed by the second order, a citation may be issued to the owner and to the occupant of the property. Each individual violation on a property and each day any such violation continues after the grace period allowed in the second notice shall constitute a separate offense. In addition, the Superintendent may report all such violations to the City Attorney who shall be authorized to bring an action to enjoin the violation, or to cause such building or premises to be made to comply with this Chapter, together with a penalty as provided by §25.04 of this Code. (2033 11/14/2000)

- (7) SPECIAL CHARGES FOR INSPECTIONS AND FOR CORRECTING NON-COMPLIANCE. A special charge as set forth in the City's Official Fee Schedule shall be imposed for the second and each subsequent inspection where the first inspection reveals that the owner or occupant of the property has not corrected the violations contained in the compliance order. The owner and occupant of each property inspected shall be jointly and personally liable for the charge. In addition, if the owner or occupant of the premises fails, neglects or refuses to comply with the correction order, the Water Utility shall be authorized to make the necessary repairs and corrections and the City shall be entitled to recover the actual costs thereof, plus the inspection charge, as a special charge for current services as provided in §66.0627 Wis. Stats. If the charge is not paid within 30 days of the date of billing, an additional administrative collection charge of 10 percent of the charge shall be added to the amount due, plus interest shall accrue thereon at the rate of 1% per month until paid and such charge shall be extended upon the current or next tax roll as a charge against the subject property for current services as provided in Chapter 66, Wis. Stats. (2033 11/14/2000)
- (8) ENTERING BUILDINGS AND PREMISES. No person shall directly or indirectly deny, prevent, hinder or obstruct any officer, agent or employee of the Baraboo Water Utility from entering a building or premises for the purpose of undertaking

activities authorized by this section. The Utility Superintendent shall be deemed a peace officer for the purpose of applying for, obtaining and executing a special inspection warrant pursuant to §66.0119, Wis. Stats. (2033 11/14/2000)

- (9) **DISCLAIMER ON INSPECTIONS.** The purpose of the inspections, examinations, testing, repair, maintenance and installations authorized by this section are to improve the quality of water services supplied to buildings and premises served by the Utility. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed as, a warranty or guarantee. In order to advise owners, occupants and other interested persons, a disclaimer shall be included in each inspection report as follows: "The findings of the provisions of this Code, nor shall any occupancy permit under Ch. 14 of this Code be issued for any property that contains any outstanding violations of this Chapter.
- (11) **VIOLATION AND PENALTY.** Any person who violates, disobeys, neglects, omits or refuses to comply with, or resists the enforcement of any of the provisions of this section shall be subject to a penalty as provided in §25.04 of this Code and each day that a violation continues shall constitute a separate offense, except that where there is a violation of §196.117, Wis. Stats. the forfeiture shall not exceed \$25 for each offense, together with Court costs and assessments as provided in §25.04 of this Code.

### 13.18 **NON-STANDARD METER SERVICE**

- (1) The Baraboo Water Utility has installed new water meters with automated meter reading (AMR) technology. However, where

inspection contained herein are intended to report conditions of non-compliance with code standards that are readily apparent at the time of the inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed premises. Neither the City, Board of Public Works, nor Water Utility make any warranty or representation, express or implied, that its inspection of the property has discovered all defects or all code violations, or all hazards or that this report contains a complete list of all code violations existing on the property inspected herein. (2033 11/14/2000)

- (10) **LICENSE OR PERMIT WITHHELD.** No license shall be granted or renewed for the operation of any trade, profession, business or privilege for which a license is required by any

special and extenuating circumstances necessarily postpone the installation of the AMR technology, the Baraboo Water Utility incurs additional labor and vehicle costs to read those meters and process those bills. The Wisconsin Public Service Commission has ruled that customers who receive a non-standard meter service must be charged for the additional cost of the non-standard service.

- (2) The proposed non-standard meter service charge is based on cost estimates for manual reading and billing each meter on a quarterly basis. Actual costs for manual meter reading will be tracked and the quarterly charge will be evaluated as part of every future rate increase application. The charge could increase or decrease in the future based on the actual costs incurred by the Utility.

<b>Procedures</b>	<b>Average Time</b>	<b>Cost per Hour</b>	<b>Estimated Charge</b>
Reading the Meter	15 minutes	\$33.93	\$8.48
Manual Entry into Billing System	10 minutes	\$28.80	\$4.81
Vehicle Charge	15 minutes	\$13.20	\$3.30
Billing Service Setup	1/80 of 20 yr cycle*	\$2,400.00 **	\$15.00
<b>QUARTERLY TOTAL:</b>			<b>\$31.59</b>

\*\*\*

\* Estimate Billing Software lasts 20 years = 80 billing cycles

\*\* Civic Systems billed Utility to modify billing system for Public Fire Protection Charge

\*\*\* Cost divided by billing cycles divided by 2 customers

### **13.19 LEAD SERVICE LINE REPLACEMENT**

(2587 01/11/2022)

- (1) **INTENT and PURPOSE.** The Common Council Finds that it is in the public interest to establish a comprehensive program for the removal and replacement of lead service lines in use within and attached to the City water system, and, to that end, declares the purposes of this section to be as follows:
  - (a) To ensure that the water quality at every tap of a City water customer meets the water quality standards specified under federal and state law;
  - (b) To reduce the lead in City drinking water to meet the Environmental Protection Agency standards and ideally to a lead contaminant level of zero in City drinking water for the health of City residents; and
  - (c) To eliminate the constriction of water flow caused by mineral rich groundwater flowing through lead service pipes and the consequent buildup of mineral deposits inside those lead pipes.
- (2) **DEFINITIONS.** Definitions of terms used in this section are provided below:
  - (a) "City water system" means the water supply system owned by and located within the City.
  - (b) "Customer service line" means the portion of a water service line that extends from the outlet of the curb stop to the inlet of a customer's water meter.
  - (c) "Lead service line" means (i) all or a portion of a water service line constructed of lead, and/or (ii) all or a portion of a water service line constructed of galvanized iron that is or was connected to a water service line constructed of lead. The term includes both customer service lines and utility service lines.
  - (d) "Utility" means the Baraboo Water Utility.
  - (e) "Utility service line" means the portion of a water service line from the water main to the outlet of the curb stop, including the curb stop, but not the outlet joint of the curb stop.
  - (f) "Water service line" means the service line that extends from the water main to a customer's water meter.
- (3) **IDENTIFICATION OF LEAD SERVICE LINES**
  - (a) The Utility shall create and maintain a record of the location of all identified lead service lines in the City.
  - (b) Utility representatives shall have the right, upon the presentation of credentials, to request to enter a property connected to the City water system at any reasonable time and inspect that property's customer service line. Any person or entity who owns, manages or otherwise exercises control over a property connected to the City water system shall allow the Utility to inspect the customer service line. If entry is refused, the Utility shall obtain a special inspection warrant under Wis. Stats. §66.0119.
  - (c) The Utility shall provide written notice to any person or entity who owns, manages or otherwise exercises control over a property connected to the

City water system if that property has been inspected and determined to have a lead service line.

- (4) **LEAD SERVICE LINE REPLACEMENT REQUIREMENT.**
  - (a) All existing lead service lines that are connected to the City water system must be replaced with water service lines constructed of materials approved by the City.
  - (b) Existing lead service lines that are connected to City water mains or Utility service lines that will be replaced or reconstructed as part of a City construction project must be replaced in conjunction with that City construction project. No lead service lines shall be reconnected to a City water main or a Utility service line that was replaced or reconstructed.
  - (c) Existing lead service lines that develop a leak or otherwise need repair may not be repaired but must be replaced.
  - (d) Other lead service lines shall be replaced in accordance with a schedule developed by the Utility. The schedule shall be developed to eliminate all lead service lines in the City by October 1, 2036.
  - (e) Property owners shall replace their customer service lines that meet the definition of a lead service line according to the schedule developed by the Utility. The City or Utility or both may issue citations and penalties prescribed by City ordinance on a property owner that fails to replace their customer service line that meet the definition of a lead service line as required by the schedule.
- (5) **FINANCIAL RESPONSIBILITY AND ASSISTANCE.**
  - (a) A property owner shall be responsible for the cost of replacing the portion of a lead service line that is a customer service line that serves their property. The Utility shall be responsible for the cost of replacing all lead service lines that are Utility service lines.
  - (b) The City may establish a program to provide financial assistance to property owners replacing lead service lines.
- (6) **AUTHORITY TO DISCONTINUE SERVICE.** As an alternative or in addition to any other methods provided for obtaining compliance with this section, the Utility may, after giving at least sixty (60) days' notice, discontinue water service to a property served by a customer service line that meets the definition of a lead service line provided the property owner has first been given reasonable opportunity to make the required replacement.

### **13.20 (Reserved)**

- 13.21 PENALTY.** Any person who shall violate any provision of this subchapter or any order, rule or regulation thereunder shall be subject to a penalty as provided in §25.04 of this Code.

### **SUBCHAPTER III: BARABOO SEWER UTILITY**

**13.22 MANAGEMENT.** The Baraboo Sewer Utility shall be under the charge and management of the Board of Public Works, subject to the powers and duties granted to the Public Safety Committee as provided in Subchapter I above. (2033 11/14/2000)

**13.23 SETBACK FROM SEWER MAINS IN PUBLIC RIGHT-OF-WAY.** No person, including any public utility, shall lay, place, locate, or relocate any gas, electrical, telecommunications, cable communications, or other main, pipe, or line within five feet of either side of a Baraboo Sewer Utility sewer main within the public right-of-way, without the prior written consent of the Utility Superintendent. Determinations made by the Utility Superintendent may be appealed to the Public Safety Committee and where, in the judgment of the Public Safety Committee, it would be inappropriate due to special conditions to apply literally the provisions of this subsection, the Public Safety Committee may waive or modify such requirements to the extent deemed just and proper so that substantial justice may be done and the public interest served. Except as provided in Ch.15, this Subsection shall not apply to the Water Utility's water mains or laterals. (2033 11/14/2000, 2172 12/14/04)

**13.24 DEFINITIONS.** Unless the context specifically indicates otherwise, the meaning of terms used in this sub-chapter shall be as follows:

- (1) **APPROVING AUTHORITY.** The Council or its duly authorized deputy, agent or representative.
- (2) **BOD (BIOCHEMICAL OXYGEN DEMAND).** The quantity of organic matter as determined under standard laboratory procedure in 5 days at 20°C, expressed in milligrams per liter.
- (3) **BUILDING DRAIN.** That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer.
- (4) **BUILDING SEWER.** The extension from the building drain to the public sewer or other place of disposal.
- (5) **COMBINED SEWER.** A sewer receiving both surface runoff and sewage.
- (6) **COMPATIBLE POLLUTANTS.** BOD, suspended solids, phosphorus, pH and/or fecal coliform bacteria, plus such additional pollutants identified in the WPDES permit for the publicly owned treatment facilities receiving the pollutants, providing such facilities were

designed to treat such additional pollutants and, in fact, does remove such pollutants to a substantial degree.

- (7) **GARBAGE.** Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- (8) **INCOMPATIBLE POLLUTANTS.** Pollutants in the waste water that will adversely affect or disrupt the quality of waste water treatment if discharged to the waste water treatment facility.
- (9) **INDUSTRIAL USER.** Any non-governmental user of publicly owned treatment works as identified in the Standard Industrial Classification manual, Office and Management Budget, 1972, as amended and supplemented through October 1, 1981, under the following divisions:
  - (a) Division A - Agriculture, Forestry and Flushing
  - (b) Division B - Mining
  - (c) Division D - Manufacturing
  - (d) Division E - Transportation, Communications, Electric, Gas and Sanitary Services
  - (e) Division I - Services

A user in any Division listed may be excluded from classification if it is determined that such user will primarily introduce segregated domestic wastes or wastes from sanitary conveniences.

- (10) **INDUSTRIAL WASTES.** The liquid waste from industrial manufacturing processes, trade wastes or business wastes as distinct from sanitary sewer.
- (11) **LICENSED DISPOSER.** A person holding a license to dispose of septage under §146.20(3)(a), Wis. Stats.
- (12) **MAJOR CONTRIBUTING INDUSTRY.** An industry that:
  - (a) Has a flow of 10,000 gallons or more per average work day; or
  - (b) Has a flow greater than 5% of the flow carried by the municipal system receiving the waste; or
  - (c) Has a material in its discharge which is included on a list of toxic pollutants issued under §147.07(1), Wis. Stats.; or
  - (d) Has significant impact, either singularly or in combination with other contributing industries, on the treatment works or the quality of its effluent.



- (13) **NATURAL OUTLET.** Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- (14) **NONCITY CUSTOMER.** Any person or group of persons receiving waste water collection and treatment facility services whose property or properties receiving such services is not within the corporate limits of the City.
- (15) **NORMAL DOMESTIC STRENGTH SEWAGE.** Sewage with concentrations of BOD no greater than 300 milligrams per liter (mg/l) and suspended solids no greater than 240 milligrams per liter (mg/l).
- (16) **OPERATIONS AND MAINTENANCE COSTS.** The actual sums spent by the City in the operation and maintenance of its waste water facilities, consisting of, but not limited to, each and all of the following purposes:
- (a) Wages, salaries, and other related expenses for operating, maintenance, clerical, laboratory and supervisory personnel, together with fringe benefits and premiums for worker's compensation insurance.
  - (b) Electrical power.
  - (c) Chemicals, fuel and other operating supplies.
  - (d) Repairs to, and maintenance thereof, of the equipment associated therewith.
  - (e) Premiums for hazard insurance.
  - (f) Premiums for insurance providing coverage against liability for the injury to persons and/or property.
  - (g) Rents and leasing costs.
  - (h) Operation, licensing and maintenance costs for trucks and equipment.
  - (i) Consultant and legal fees.
  - (j) Replacement and costs.
  - (k) Cleaning and maintenance of sewer lines.
  - (l) Cleaning and maintenance of lift stations.
- (17) **PARTS PER MILLION.** A weight ration. The parts per million value multiplied by the factor 8.34 shall be the equivalent of the number of pounds per million gallons of water.
- (18) **pH.** The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (19) **PROPERLY SHREDDED GARBAGE.** The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.
- (20) **PUBLIC SEWER.** Any sewer provided by, or subject to the jurisdiction of, the City.
- (21) **REPLACEMENT COSTS.** Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment facilities to maintain the capacity and performance for which such facility was designed and constructed. Operation and maintenance costs include replacement costs.
- (22) **DEBT SERVICE CHARGE.** A charge levied on users for debt retirement. The total debt retirement shall be divided by the number of gallons of water used and a charge per 100 gallons be established.
- (23) **RESIDENTIAL EQUIVALENT CONNECTION (REC).** The amount of sewage contributed to the system from a single-family residence based on the following criteria that shall be recomputed each year:
- $$\text{Flow} = \frac{\text{Amount of water used by single-family units}}{\text{Total number of single-family units}}$$
- (24) **SANITARY SEWAGE.** A combination of the water carried wastes from residences, business buildings, institutions and industrial establishments.
- (25) **SANITARY SEWER.** A sewer that carries sanitary sewage and to which storm surface ground waters are not intentionally admitted.
- (26) **SANITARY SEWER CONNECTION CHARGE.** A charge assessed customers for connecting to public sanitary sewers that discharge to the City Waste Water Treatment Facility.
- (27) **SEPTAGE.** Scum, liquid, sludge or other waste from a septic tank, soil absorption field holding tank, vault toilet or privy; it does not include waste from a grease trap.
- (28) **SEWAGE TREATMENT PLANT.** Any arrangement of devices and structures used for treating sewage.
- (29) **SEWAGE WORKS.** All facilities for collecting, pumping, treating and disposing of sewage.
- (30) **SEWER.** A pipe or conduit for carrying sewage.

- (31) SEWER SERVICE CHARGE. A service charge levied on users of the waste water collection and treatment facilities for the payment of capital related expenses and operation and maintenance expenses of said treatment facilities and the maintenance expenses of sewer lines which are a part of the collection system. The sewer service charge shall be based on a cost per 100 gallons of flow. The user charge covering the operation, maintenance and replacement costs is a part of the sewer service charge.
  - (32) SLUG. Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow causes the capacity of a public sewer to be exceeded or which adversely affects the operation of the sewage treatment plant.
  - (33) STANDARD METHODS. The examination and analytical procedures set forth in the most recent edition of "Standard Method for the Examination of Water, Sewage and Industrial Wastes," published jointly by the American Health Association, the American Water Works Association and the Federation of Sewage and Industrial Wastes Associations.
  - (34) STORM DRAIN. A pipe which carries storm and surface waters or drainage, but excludes sanitary sewage and industrial wastes other than unpolluted cooling water.
  - (35) STORM WATER RUNOFF. That portion of the rainfall that is drained into the storm drain.
  - (36) SUPERINTENDENT. The City Engineer or his authorized deputy, agent or representative.
  - (37) SURCHARGE. An additional charge related to industrial wastes being discharged by any user having unusual characteristics such as excessive BOD, excessive suspended solids or excessive other pollutants.
  - (38) SUSPENDED SOLIDS (SS). Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.
  - (39) UNPOLLUTED WATER. Water of a quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards, and would not be benefited by discharge to the sanitary sewers and waste water treatment facilities provided.
  - (40) USER. Any person discharging domestic waste water or industrial wastes in the collection system.
  - (41) USER CHARGE. A charge levied on users of the waste water collection system and the waste water treatment facilities as a part of the sewer service charge for payment of operation and maintenance of said facilities.
  - (42) UTILITY. The City Sewer Utility.
  - (43) WASTE WATER (SEWERAGE). The spent water of the community. From the standpoint of source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, together with any ground water, surface water or storm water which may be present.
  - (44) WASTE WATER FACILITIES. The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.
  - (45) WASTE WATER TREATMENT FACILITIES. An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes this is used as synonymous with waste treatment.
  - (46) WATERCOURSE. A channel in which a flow of water occurs either continuously or intermittently.
- 13.25 RESERVE CAPACITY ASSESSMENTS.**  
(1589 03/12/91, 2600 09/27/2022)
- (1) For all sanitary sewer additions made after July 1, 1986, there is hereby levied and assessed upon each lot or parcel of land currently within the City which does not have an existing connection to the waste water facilities and upon lands subsequently attached to the City by annexation or for the purpose of using the waste water facilities a reserve capacity assessment (RCA). Such RCA charge shall be payable to the City as herein provided and shall be made on the basis of one RCA charge for each residential equivalent connection (REC) to the waste water facilities. Said charge shall be as set forth in the City's Official Fee Schedule per each REC and shall be credited to the sewer debt fund.
  - (2) Any person connecting to a sanitary sewer constructed by the City shall pay a minimum connection fee as set forth in the City's Official Fee Schedule for each connection unless special assessments in a greater amount been levied upon the parcel, in which case the larger amount shall be paid. This connection shall be in addition to the assessment under sub. (1).

- The connection fee shall be paid to the City Treasurer before any lot or parcel of land, or part thereof, is connected to the sanitary sewer. Said payment shall be credited to the sewer general fund.
- (3) For the purpose of this subchapter, sewer connections in the City shall be classified as existing connections or future connections. Existing connections shall include those in existence and connections for which a sewer connection permit has been issued and construction started as of July 1, 1982. Future connections shall be those not in existence as of July 1, 1982.
  - (4) The RCA for a single-family residence shall be set by the Council in a separate action. The City Engineer shall determine the residential equivalency units for all other categories of buildings, pursuant to Section 13.35 Residential Equivalency Charge Chart. Special charges may be determined by the Council for large commercial or industrial users.
  - (5) There shall be no RCA charge for existing connections. Payments of the RCA charge for future connections shall be paid in full upon the issuance of a building permit.

#### **13.26 INSTALLATION OF SEWER LATERALS.**

- (1) **CONSTRUCTION STANDARDS.** Sewer laterals shall be constructed by the property owner in accordance with standards established by the Public Safety Committee. (2033 11/14/2000)
- (2) **PERMITS REQUIRED.** No lateral shall be installed until a street opening permit is obtained pursuant to §8.03 of this Code and a plumbing permit is obtained pursuant to Ch. 15 of this Code. (See also §13.31 of this subchapter)

#### **13.27 SEWER SERVICE CHARGE.**

- (1) **BASIS FOR SEWER SERVICE CHARGES.** The sewer service charge shall be based on the debt service charge plus the sewer user charge. If any person discharging sewage into the public sewer system procures any part or all of his water from sources other than the City Water Utility, that person shall furnish, install and maintain, at his expense, a meter for the purpose of determining the volume of sewer discharged into the City sewerage system. These charges shall be determined as follows: (2033 11/14/2000)
  - (a) Debt Service Charge. A debt service charge is hereby imposed upon all users of the sewerage system based upon the metered water used thereon or therein as calculated by the City Water Utility. On or before November 1 of each year, the Public Safety Committee shall re-compute the debt

service charge per 100 gallons of water used. This charge shall be computed by dividing the annual debt service of the sewage works by the previous year's average water consumption. The residential water consumption for sprinkling, any refrigeration, air conditioning system, or industrial cooling water not entering the sewerage system and separately metered or specific consumption determined shall not be used in computing the debt service charge. (2033 11/14/2000)

#### **(b) Sewer Use Charge.**

1. A sewer use charge is hereby imposed upon all users of the sewerage system based upon the metered water used thereon or therein, as calculated by the City Water Utility. On or before November 1 of each year, the Public Safety Committee shall re-compute the sewer charge per 100 gallons of water used. This charge shall be computed by dividing the proposed net yearly operation and maintenance budget as provided in §13.24(16) of this subchapter by the previous year's average water consumption. The residential water consumption for sprinkling, any refrigeration, air conditioning system, or industrial cooling water not entering the sewerage system and separately metered or specific consumption determined shall not be used in computing the sewer use charge. The City shall maintain a proportionate distribution of the operation and maintenance costs among user classes. Any excess revenues included in the operation and maintenance budget and collected from a particular user class shall be credited to that user class for the next year's calculation of the sewer use charge. (2033 11/14/2000)
2. To allow for water used for sprinkling lawns for residential users during the summer and therefore not contributing to sewer flow the following procedure shall be used: The sewer use charge for the 3<sup>rd</sup> Quarter billing shall be based on

2<sup>nd</sup> Quarter water use unless the 3<sup>rd</sup> Quarter water use is less, in which case the sewer use charge shall be based on the actual water used. For all other uses, the sewer use charge shall be per 100 gallons and charged according to the metered water used.

- (2) **INDUSTRIAL AND COMMERCIAL CHARGES FOR OTHER THAN DOMESTIC WASTE WATER.** Charges for waste water other than domestic waste water shall be based on flow, BOD, suspended solids and such other constituents which affect the cost of collection and treatment. All persons discharging wastes into the Waste Water Facilities are subject to surcharge, in addition to any other waste water service charge, if their waste water has a concentration greater than domestic waste water concentrations. The volume of flow used for computing waste surcharges shall be the metered water consumption, or the actual volume of waste as determined by an industrial waste metering installation. The amount of surcharge shall reflect the cost incurred by the City in removing BOD, suspended solid, and/or other pertinent constituents. The surcharge shall be computed according to the formula contained in the Federal Register, page 5270, Volume 39, No. 29, 1974.
- (3) **UNIQUE USERS.** The City may, at any time hereafter, establish additional rates for any large commercial service, industrial use or any other unique user that does not readily fit into other user categories.
- (4) **EXCESS FLOW CHARGES.** Any customers discharging wet weather flows exceeding 100 gallons per capita per day (gcd) after adjustments for any significant large users shall be charged an excess flow charge. Charges shall be based on metered flows and the prevailing rate at that time. This charge shall be billed to the customer on a quarterly basis along with the user charges.

### **13.28 ANNUAL BUDGET AND METHOD OF PAYMENT OF CHARGES.**

- (1) Annually before October 1, the Public Safety Committee shall prepare a budget for the following fiscal year. The budget shall be separated into two sections, the first for operation and maintenance and the second for debt service. (2033 11/14/2000)
- (2) Revenues for the operation and maintenance budget shall include any projected year end balance, excluding depreciation and

replacement funds; operating fund investment income; contract revenues; permit fees; ready-to-serve charges; special rates; and sewer use charges.

- (3) Expenditures for the operation and maintenance budget shall include all costs defined in §13.24(16) of this subchapter plus any projected year end deficit.
- (4) The operation and maintenance budget shall be balanced with the sewer use charge per 100 gallons, increased if necessary, so that projected revenues equal projected expenditures.
- (5) Revenues for the debt service budget shall include any projected year end balances in the debt service sinking funds, projected year end balances in the special assessment funds, transfers from the tax incremental financing fund, projected residential equivalency charge, sinking fund interest income, reserve capacity assessments and property taxes.
- (6) Expenditures for the debt service budget shall include principal, interest, premiums, paying agency fees, and other expenses related to debt.
- (7) Projected revenues for the debt service budget shall exceed projected expenditures for 25% by increasing the debt service charge, pursuant to §13.27(1)(a) of this subchapter, until revenues are 125% of expenditures.
- (8) Sewer service charges may be billed quarterly and shall be payable at the City Treasurer's office or at any other officially designated location. Statements for such charges and assessments levied and assessed in accordance with this subchapter shall become due and payable within 20 days from and after the date of the statement. In the event that any such statement or statements are not paid when due, a penalty compatible to that levied to water statements shall be added thereto.
- (9) The property owner is held responsible for all sewer bills on premises or properties he owns. All sewer bills and notices of any nature relative to the sewer service shall be addressed to the owner and/or occupant of the property. All sewer bills will be delivered to the addressee by first class mail or personally delivered. (See §§13.01 and 13.02 of this chapter.)
- (10) Every reasonable care will be exercised in the proper delivery of sewer bills. Failure to receive a sewer bill, however, shall not relieve any person of the responsibility for the payment of sewer rates within the pre-scribed period nor

exempt any person from any penalty imposed for delinquency in the payment thereof.

- (11) The City shall, at least annually, notify the users of current or any change in the portion of sewer service charge and debt service charge attributable to waste water treatment service.

### **13.29 ACCOUNTS AND FUNDS.**

- (1) The operation and maintenance fund shall be used for payment of any items defined in §13.24(16) of this subchapter.
- (2) The debt service fund shall contain the revenues transferred from special assessments, tax incremental financing funds, property taxes, debt service charges, reserve capacity assessments and other sources intended for debt. This fund shall be used only for the payment of principal and interest and fees directly related to the debt payment.
- (3) The depreciation fund shall contain an appropriation from the operation and maintenance fund which shall be used for the following purposes:
  - (a) Cost of the replacement of existing sewer mains.
  - (b) Cost of the substitution of larger size sewer mains for existing mains.
  - (c) Cost of new primary sewer mains and installation of the same in excess of such charge or cost payable to statutory assessment.
  - (d) Cost of road repair required by such construction.
  - (e) Cost of contracted engineering services to insure a planned program.
  - (f) Cost of repairs, renewals or expansion of the wastewater facilities in excess of \$5,000.
- (4) The replacement fund shall contain an appropriation from the operation and maintenance fund which will be used for equipment replacement of the waste water treatment facility.

### **13.30 USE OF PUBLIC SEWERS REQUIRED.**

- (1) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of the City any human or animal excrement, garbage or other objectionable waste.
- (2) It shall be unlawful to discharge to any natural outlet within the City or in any area

under the jurisdiction of the City any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this subchapter.

- (3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
- (4) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the City and abutting on any street, alley or right of way in which there is now located or planned to be located a public sanitary sewer of the City is hereby required, at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this subchapter within 90 days after date of official notice to do so.

### **13.31 PRIVATE SEWAGE DISPOSAL.**

- (1) Where a public sanitary or combined sewer is not available under the provisions of §13.30(4) of this sub-chapter, the building sewer shall be connected to a private sewage disposal system complying with the provisions of State law.
- (2) At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this subchapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable materials, except that in the case where gravity sewer service is not available, the property may be served by a private sewage disposal system.
- (3) When public sewer becomes available, the building sewer shall be connected to said sewer within 60 days and the private sewage disposal system shall be cleaned and sludge and filled with clean bank run gravel or dirt, except as exempted in sub. (2) above. Upon the annexation of property to the City of Baraboo, and when the property is able to be connected to the municipal sewage system, such property shall be required to make the connection to the municipal sewage system upon any of the following conditions being met: (2238 10/10/2006)
  - (a) A change in ownership of the property.
  - (b) A change in use of the property.
  - (c) The expiration of five (5) years from the date of annexation.

- (4) The owner shall operate and maintain the private sewage disposal facility in a sanitary manner at all times at no expense to the City.

### **13.32 LATERAL CONNECTIONS.**

- (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance whereof without first obtaining a written permit from the Utility Superintendent. (See §13.26 of this subchapter) (2033 11/14/2000)
- (2) There shall be 2 classes of lateral permits:
- (a) Residential and commercial service.
  - (b) Service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Utility Superintendent. (2033 11/14/2000)
- (3) All costs and expense incident to the installation, connection and maintenance of the lateral shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the lateral.
- (4) A separate and independent lateral and building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- (5) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Utility Superintendent, to meet all requirements of this subchapter. (2033 11/14/2000)
- (6) The size, slope, alignment, materials of construction of laterals and building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the State Plumbing Code.
- (7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage

carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

- (8) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.
- (9) The connection of the lateral into the public sewer shall conform to the requirements of the State Plumbing Code. All such connections shall be made gas tight and watertight.
- (10) The applicant for the building sewer permit shall notify the Superintendent when the lateral is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Utility Superintendent or his/her representative. (2033 11/14/2000)
- (11) No user shall allow others or other services to connect to the sewer system through his lateral or building sewer.

### **13.33 USE OF THE PUBLIC SEWERS.**

- (1) No person shall discharge, or cause to be discharged, any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or un-polluted industrial process waters to any sanitary sewer.
- (2) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Public Safety Committee. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Public Safety Committee, to a storm sewer, combined sewer or natural outlet. (2033 11/14/2000)
- (3) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- (a) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
  - (b) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create

- any hazard in the receiving waters of the sewage treatment plant.
- (c) Any waters or wastes having pH lower than 5.5 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
  - (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, dishes, cups, milk containers, either whole or ground by garbage grinders.
- (4) No person shall discharge, or cause to be discharged, the following described substances, materials, waters or wastes if it appears likely, in the opinion of the Public Safety Committee, that such wastes can harm either the sewers, the sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming their opinion as to the acceptability of these wastes, the Public Safety Committee shall give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are as follows: (2033 11/14/2000)
- (a) Any liquid or vapor having a temperature higher than 150° F (65° C).
  - (b) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/1 or containing substances which may solidify or become viscous at temperatures between 32° and 150° F (0° and 65° C).
  - (c) Any garbage that has not been properly shredded.
  - (d) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
  - (e) Materials which exert or cause unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to adversely affect the operation of the sewage treatment works.
  - (f) Materials which exert or cause unusual volume of flow or concentration of wastes constituting slugs, as defined herein.
  - (g) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of the other agencies having jurisdiction over discharge to the receiving waters.
- (5) If any waters or wastes are discharged, or are proposed to be discharged into the public sewers, which waters contain the substances or possess the characteristics enumerated in sub. (4) above and which, in the judgment of the Public Safety Committee, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Commission may: (2033 11/14/2000)
- (a) Reject the wastes; and/or
  - (b) Require pretreatment to an acceptable condition for discharge to the public sewers; and/or
  - (c) Require control over the quantities and rates of discharge; and/or
  - (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of sub. (9) below. If the Public Safety Committee permits the pretreatment or equalization of waste flows, the design and installation of the plans and equipment shall be subject to the review and approval of the Public Safety Committee and subject to the requirements of all applicable codes, ordinances and laws. (2033 11/14/2000)
- (6) Grease, oil and sand interceptors shall be provided when, in the opinion of the Public Safety Committee, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Committee and shall be located as to be readily and easily accessible

for cleaning and inspection. (2033 11/14/2000)

- (7) Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- (8) When deemed necessary by the Public Safety Committee, a suitable control manhole shall be constructed on a building sewer carrying industrial wastes and such manhole shall contain such necessary meters, equipment and other appurtenances to facilitate observation, sampling and measurement of the wastes. The construction cost and maintenance cost of the manhole shall be levied against the property as a special assessment and paid to the City as stipulated by the Council. (2033 11/14/2000)
- (9) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the industrial concern.

**13.33A FATS, OIL AND GREASE MANAGEMENT AT FOOD SERVICE ESTABLISHMENTS** (2477 02/27/2018)

(1) Applicability. This section applies to any industrial, commercial, or institutional (ICI) food service establishment associated with food preparation, food service and/or kitchen cleanup. If a food service establishment is limited to service that does not involve disposing of food waste or food preparation cleanup waste into the sewerage system, then this section does not apply.

(a) Residential discharge. Residents are governed generally by Code Section 13.33 which prohibits the discharge of any pollutant or wastewater that will negatively affect the sewer collection system and/or POTW and receiving waters.

(2) Grease removal devices. ICI food service establishments (FSEs) which discharge any fats, oils and grease associated with food preparation, food service and kitchen cleanup shall adhere to Code Section 13.33(6). Grease and oil interceptors or traps shall be provided when, in the opinion of the general manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil (interceptors shall not be required for residential users). The plumbing inspector of the municipality in which the FSE resides must approve the installation of any grease removal device.

- (a) Grease removal devices are the property of the FSE; therefore, the FSE is responsible for proper sizing and installation of a device by a licensed

plumber that ensures acceptable FOG removal to prevent any discharge to the sewer system.

- (b) FSE's shall ensure adequate cleaning and maintenance of any grease and oil interceptors, as necessary, to keep the removal devices in proper working order. This includes, but is not limited to:
  - 1. Following manufacturer's recommendations;
  - 2. Following all applicable best management practices (BMPs)(subsection(c));
  - 3. Frequent pumping and cleaning by a licensed waste grease hauler and/or recycler;
  - 4. Keeping accurate and current records of all cleanings, maintenance, and service;
  - 5. Maintenance and pumping records must be available for review by the utility upon request. FSE's causing sewer blockage or maintenance issues may be required to submit maintenance, cleaning, and pumping documentation to the utility.
- (c) Best management practices. All FSEs shall implement best management practices for food service establishments as established by the utility:
  - 1. Train all staff on BMPs.
  - 2. Collect and recycle waste cooking oil.
  - 3. "Dry wipe" pots, pans, and kitchen equipment before cleaning.
  - 4. Inspect and clean grease traps and interceptors regularly.
  - 5. Post "NO GREASE" signs above sinks and on the front of dishwashers.
  - 6. Dry mop, wipe down, and wash all kitchen equipment inside, including mats, carts, tray racks, exhaust filters, etc.
  - 7. Use absorbent paper under fryer baskets and absorbents such as cat litter or paper towels to pick up oil and grease spills before mopping. Dispose of greasy paper and waste in the garbage.
  - 8. Do not use emulsifiers or solvents other than typical dishwashing detergents.
- (d) BMP enforcement If the FSE is found to be the cause of backups or blockages of the sewer system because of FOG due to lack of a grease removal device or improper maintenance of a grease removal device located in their establishment, the FSE may become responsible for cleanup costs and property damage, and shall be required to make any necessary changes to prevent another such occurrence. This may include any combination of the following at the FSEs expense:
  - 1. Installation of a grease removal device;
  - 2. Upgrading or increasing the capacity of a current grease removal device; or
  - 3. Increasing maintenance of a current grease removal device
  - 4. The municipal building inspector or designee must approve the installation of any grease removal device.



(e) Inspection. The utility reserves the right to inspect the FSE, as often as necessary, for anything related to FOG discharge, including, but not limited to, files and records, sources of FOG, grease removal devices located both inside and outside of the establishment, the manhole downstream of the establishment, etc. It will be required that a knowledgeable employee of the establishment is present and accompanies the utility representative on these inspections and provides the necessary documentation to prove proper function and compliance.

(f) Survey The utility representative shall distribute educational material, signage, BMPs and a food service establishment survey. Within 30 calendar days, the FSE shall submit the completed food service establishment survey to the utility.

1. The report can be faxed, emailed or mailed to the utility.

2. The utility shall provide survey forms for reporting the information required by subsection (f).

(g) FOG discharge limit waiver If a FSE is implementing the best management practices required by subsection (c), above, and is operating and maintaining the grease removal device required by subsection (b), above then any numerical discharge limit for fats, oil and grease (FOG) established in any other section of this chapter does not apply.

### **13.33B AMALGAM MANAGEMENT AT DENTAL OFFICES** (2478 02/27/2018)

(1) DEFINITIONS. For the purposes of this section the following words and phrases shall be as defined herein.

(a) Amalgam Separator. A device that employs filtration, settlement, centrifugation, or ion exchange to remove amalgam and its metal constituents from a dental office vacuum system before it discharges to the sewer.

(b) Amalgam Waste Includes, but is not limited to, noncontact amalgam (amalgam scrap that has not been in contact with the patient); contact amalgam (including, but not limited to, extracted teeth containing amalgam); amalgam sludge captured by chairside traps, vacuum pump filters, screens, and other amalgam trapping devices; used amalgam capsules; and leaking or unusable amalgam capsules.

(c) ISO 11143 The International Organization for Standardization's standard for amalgam separators. Amalgam separators meeting ISO 11143 standards accomplishes ninety-five percent (95%) or greater mercury removal efficiency.

(2) All owners and operators of dental facilities that remove or place amalgam fillings shall comply with the following waste management practices:

(a) No person shall rinse chairside traps, vacuum screens, or amalgam separators equipment in a sink or other connection to the sanitary sewer.

(b) Owners and operators of dental facilities shall ensure that all staff members who handle amalgam waste are trained in the proper handling, management and disposal of mercury-containing material and fixer containing solutions, and shall maintain training records that shall be available for inspection by the Utility Superintendent or designee during normal business hours.

(c) Amalgam waste shall be stored and managed in accordance with the instructions of the recycler or hauler of such materials.

(d) Bleach and other chlorine-containing disinfectants shall not be used to disinfect the vacuum line system.

(e) The use of bulk mercury is prohibited. Only pre-capsulated dental amalgam is permitted.

(3) All owners and operators of dental suction systems shall comply with the following:

(a) An ISO 11143 certified amalgam separator device shall be installed for each dental vacuum suction system on or before December 31, 2018; provided, however, that all dental facilities that are newly constructed on and after the effective date of this ordinance shall include an installed ISO 11143 certified amalgam separator device. The installed device must be ISO 11143 certified as capable of removing a minimum of ninety-five percent (95%) of amalgam. The amalgam separator system shall be certified at flow rates comparable to the flow rate of the actual vacuum suction system operation. Neither the separator device nor the related plumbing shall include an automatic flow bypass. For facilities that require an amalgam separator that exceeds the practical capacity of ISO 11143 test methodology, a non-certified separator will be accepted, provided that smaller units from the same manufacturer and of the same technology are ISO-certified.

(b) Proof of certification and installation records shall be submitted to the Utility Superintendent by December 31, 2018, or within thirty (30) days of installation for new sources.

(c) Amalgam separators shall be maintained in accordance with manufacturer recommendations. Installation, certification, and maintenance records shall be maintained for a minimum of five (5) years and shall be made available to the Utility Superintendent or designee for inspection and copying within 72-hours upon request.

(d) Dental offices shall obtain from contractors used to remove amalgam waste the records for each shipment showing the following:

1. The volume or mass of amalgam waste shipped.

2. The name and address of the destinations.

3. The name and address of the contractor.

These records shall be maintained for five (5) years and made available to the Utility Superintendent or designee for inspection and copying within 72-hours upon request.

(e) Dental clinics shall allow the Utility Superintendent or designee to inspect the vacuum system, amalgam separator, amalgam waste storage area, and other areas deemed necessary to determine compliance with this section. Inspections shall occur by appointment during the normal operating hours of the dental clinic as long as advance notice does not impede enforcement of this section.

(4) Failure to comply with sections (2) and (3) by December 31, 2018, shall result in the owner, agent and/or tenant of the dental facility being subject to the penalties found in §13.40 of this Code. All dental facilities that handle amalgam wastes shall additionally comply with all additional state and federal regulations, as now exist or may be enacted in the future regarding the disposal of said wastes.

### **13.34 POWERS AND AUTHORITY OF INSPECTORS.** (2033 11/14/2000)

- (1) The Utility Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this subchapter. The Utility Superintendent or his/her representatives shall have no authority to inquire into any industrial processes beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- (2) While performing the necessary work on private properties referred to in sub. (1) above, the Utility Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employee and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury property damage asserted against the company and growing out of gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.
- (3) The Utility Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly

negotiated easement pertaining to the private property involved.

### **13.35 RESIDENTIAL EQUIVALENCY CHARGE**

**CHART.** The following list is the assigned Residential Equivalent Connection to be used when and where required. (2600 09/27/2022)

- |                                     |  |
|-------------------------------------|--|
| (1) Single-family dwelling          | One REC  |
| (2) Duplex                          | Two REC  |
| (3) Condo, townhouse                | One REC  |
| (4) Apartment, mobile home          | 0.67 REC for each unit                                     |
| (5) Hotel or motel                  | 0.50 REC for each unit                                     |
| (6) Church                          | One REC  |
| (7) Funeral home                    | Two REC  |
| (8) Greenhouse                      | One REC  |
| (9) Garage/filling station          | One REC  |
| (10) Car wash, automatic            | 6 REC  |
| (11) Car wash, self-serve           | One REC for each stall                                     |
| (12) Beauty parlor, barber shop     | One REC for each 3 stations                                |
| (13) Bowling alleys                 | 0.33 REC for each lane                                     |
| (14) Restaurants/Tavern             | 0.034 REC per seat<br>(2240 10/24/2006)                    |
| (15) Doctors and dentists           | One REC for each 2 doctors                                 |
| (16) Offices/Industries             | One REC for each 20 employees                              |
| (17) Halls                          | One REC for each 20 capacity                               |
| (18) Nursing homes                  | 0.33 REC for each unit                                     |
| (19) Laundromats                    | One REC for each washing machine                           |
| (20) Schools, without shower        | One REC for each 75 students                               |
| (21) Schools, with shower           | One REC for each 50 students                               |
|                                     | Additional for food preparation One REC for each 250 meals |
| (22) Travel trailer dumping station | Two REC for each station                                   |
| (23) Campsite                       | 0.6 for each site<br>(1590 3-12-91)                        |

Any category of users not listed shall be assigned a REC by the City after a recommendation by the City Engineer. This list may be revised and updated from time to time.

### **13.36 SEPTAGE DISPOSAL.**

- (1) **REGULATED.** No person, including State of Wisconsin licensed disposers, shall dispose of septage into any storage area or sewer manhole located within the sewer service area of the City without written approval of the Public Safety Committee. (2033 11/14/2000)
- (2) **APPLICATION FOR SEPTAGE DISPOSAL.** Between August 1 and September 1 of each year every licensed disposer wishing to discharge septage to the Baraboo wastewater treatment works shall file a non-refundable filing fee and an application in writing to the Public Safety Committee in such a form as is

- prescribed for that purpose. During the months of July and August, forms for such application will be furnished at the office of the Utility Superintendent. The application must state fully and accurately the type, frequency, quantity, quality and location of generated septage to be disposed at the Baraboo Wastewater Treatment Works. During the month of September, the Public Safety Committee will evaluate the applications and make a determination as to the amount and conditions of septage disposal at the Baraboo Wastewater Treatment Works. The Commission shall approve or reject all applications by October of each year. If the wastewater treatment facility cannot accept all the proposed septage disposal then consideration shall be given first to those generators of septage that are within the sewer service area. (2033 11/14/2000)
- (3) **APPROVALS CONDITIONED.** All approvals for septage disposal shall have the conditions that any time the wastewater treatment works has operational problems, maintenance problems, or threat of a WPDES permit violation that are indirectly or directly related to septage disposal, the Public Safety Committee may immediately restrict septage disposal until such time as corrective action or mitigating measures have been taken. (2033 11/14/2000)
- (4) **SEPTAGE ACCEPTANCE LOCATION.** Septage shall only be discharged to the City's sewerage system by City approved and State of Wisconsin licensed disposers and at locations, times, and conditions as specified by the Public Safety Committee. Septage discharges to City specified manholes may, under special circumstances, be allowed provided discharge rates are restricted as necessary to facilitate mixing, prevent a backup in the receiving sewer and prevent a slug load to the wastewater treatment facility. Discharges may be limited to the normal working hours of the wastewater treatment facility and require written document-tation of the discharge to be submitted to the facility operator within one working day of the discharge to the tributary sewers or Baraboo Wastewater Treatment Facility. Blanks for documentation of the discharge will be furnished at the wastewater facility and shall include the following: (2033 11/14/2000)
- (a) Name, address, and telephone number of the hauler.
  - (b) License number.
  - (c) Type of septage.
  - (d) Quantity of septage.
  - (e) Estimated quality of septage.
  - (f) Location, date, time, and feed rate of discharge to the sewerage system.
  - (g) Source of septage.
- (h) Name and address of septage generator.
  - (i) Other information required by the Public Safety Committee. (2033 11/14/2000)
- (5) **CONTROL OF SEPTAGE WASTES.** If any septage is discharged, or proposed to be discharged, to the public sewers or at the wastewater treatment facility, which contains substances or possesses the characteristics enumerated in §13.33(4) of this Chapter and which, in the judgment of the Public Safety Committee, may have deleterious effects upon the wastewater treatment facility, processes, equipment, or receiving waters, or which otherwise creates a hazard to life, health, or constitutes a public nuisance, the Sewer Commission may: (2033 11/14/2000)
- (a) Reject the wastes.
  - (b) Require pretreatment to an acceptable condition for discharge to the public sewers.
  - (c) Require a control over the quantities and rates of discharge.
  - (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of §13.33(9) of this Chapter. Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Public Safety Committee. Testing facilities shall be the responsibility of the person discharging the waste or septage and shall be subject to the approval of the Public Safety Committee. Access to sampling locations shall be granted to the Public Safety Committee or its duly authorized representatives at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken. Fees for disposal of septage shall be set by the Public Safety Committee and shall reflect the cost of treatment. (2033 11/14/2000)
- (6) **REVOCATION OF APPROVAL.** Any licensed disposer discharging to the wastewater treatment facility or to a public sewer, found to be violating any provision of this section or of any conditions of the Public Safety Committee approval for septage disposal, may have his approval immediately revoked. The revocation shall be in writing and state the reason for revoking the septage disposal approval. Any

person aggrieved by revocation may appeal to the Council within 10 days. (2033 11/14/2000)

**13.37 CUSTOMERS OUTSIDE THE CITY LIMITS.**

(1) WEST BARABOO.

- (a) Capital Outlay Charge. The Village of West Baraboo shall pay 10.428% of the cost of the construction of the Wastewater Treatment Facility and any capital outlay associated therewith. The various amounts shall become due as various contractors are paid. The percentage figure is based on the population proportion. This percentage figure shall be adjusted with each new Federal or special census.
- (b) Sewer Use Charge. The Village of West Baraboo shall pay a sewer use charge based on the meter reading at the westerly City limits. Such fee shall be based on a charge per 100 gallons used. The sewer use charge shall be computed in relation to the operation and maintenance budget.

(2) FUTURE SANITARY DISTRICT OR COMMUNITY CONNECTIONS TO THE CITY SEWERAGE SYSTEM.

- (a) A contract shall be prepared which shall include such district or community's fair share of the capital outlay and investment in the Wastewater Treatment Facility.
- (b) A sewer charge shall be based on a cost per 100 gallons of water used with all water being metered or in relation to REC.

(3) OUTSIDE SERVICE TO INDIVIDUALS RESTRICTED.

- (a) No private individual outside the City limits shall connect to the sanitary sewage system, except those persons owning real estate in the unincorporated area described in par. (b) below.
- (b) The incorporated and unincorporated areas that may receive sanitary sewerage service from the City now includes, and is limited to, the following parcels of land:

- 1. Unincorporated. A parcel of land in the NE 1/4 NE 1/4 Section 3, Town 11 North,

Range 6 East more particularly described as follows:

Beginning at a point on the existing City limits, which point is on the centerline of Moore Street, which point is on the East line of said NE 1/4 NE 1/4, which point is 1726.23 feet N0° -07' -16" E from the East one-quarter corner of aforesaid Section 3; thence N89° -29' 14" W 182.5 feet; thence N0° -07' -16"E 525 feet; thence S89° -29' -14"E 182.5 feet; thence S0° -07' -16"W 525 feet to the point of beginning.

Also a parcel of land in the SE 1/4 SE 1/4 Section 34, Town 11 North, Range 6 East, more particularly described as follows:

Beginning at the Southeast corner of said Section 34, which point is the centerline of Moore Street; thence N89° -11' -39"W 165 feet; thence N0° -11' -50"E 240 feet, more or less, to the Southerly right-of-way line of the Chicago and Northwestern Transportation Company; thence Southeasterly along said right-of-way line to the East line of said SE 1/4 SE 1/4; thence S0° -11' -50" W to the point of beginning. (Moore St. south of RR)

- 2. Incorporated. The incorporated Village of West Baraboo.

(4) CITY RETAINS OWNERSHIP OF TREATMENT FACILITY. The City shall

remain full owner of the Wastewater Treatment Facility and any payments made toward capital outlay by others shall be deemed to give no equity whatsoever in the City system and shall only be construed to be a part of the cost of the operation of the system.

- (5) The following specific connection charges are established at this time:

(a) Sanitary Sewer installed in 1995 along the westerly side of USH 12 between Sauk Avenue and Hatchery Road.

1. The total cost of the sanitary sewer improvements was \$3,010.05.
2. The length of benefitting frontage was 150 feet.
3. The connection fee is hereby established as \$20.607 per linear foot.
4. The Final Report of the City Engineer, a copy of which is on file in the office of the City Engineer is incorporated herein by reference as if fully set forth herein, and the plans and specifications and connection fees forth therein are adopted and approved.
5. The City Engineer supervised construction of the improvements in accordance with the report hereby adopted.
6. Payment for the improvements shall be made by allocating 100% of the City cost to the property benefited as indicated in the report.

- (b) Sanitary Sewer installed in 1995 lying along the east side of Industrial Court from Carpenter Street south 700' and along the north side of Carpenter Street between Industrial Court and Krista Court.

1. The total cost of the sanitary sewer improvements was \$13,218.24.
2. The length of benefitting frontage was 838.9 feet.
3. The connection fee is hereby established as \$15.94 per linear foot.
4. The cost of each water service installed was \$328.00.
5. The Final Report of the City Engineer, a copy of which is on file in the office of the City Engineer is incorporated herein

by reference as if fully set forth herein, and the plans and specifications and connection fees forth therein are adopted and approved.

6. The City Engineer supervised construction of the improvements in accordance with the report hereby adopted.
7. Payment for the improvements shall be made by allocating 100% of the City cost to the property benefited as indicated in the report.

- (c) Sanitary Sewer installed in 2006 on Carpenter Street between Moore Street and Industrial Court.

1. The total cost of the sanitary sewer improvements was \$29,390.10.
2. The length of benefitting frontage was 1,295.86 feet.
3. The connection fee is hereby established as \$22.68 per linear foot.
4. The Final Report of the City Engineer, a copy of which is on file in the office of the City Engineer is incorporated herein by reference as if fully set forth herein, and the plans and specifications and connection fees forth therein are adopted and approved.
5. The City Engineer supervised construction of the improvements in accordance with the report hereby adopted.
6. Payment for the improvements shall be made by allocating 100% of the City cost to the property benefited as indicated in the report.

Since the benefitting properties are currently located in the Town of Baraboo, the connection fees shall be deferred until annexation of said property to the City of Baraboo and subsequent connection to the sanitary sewer if not previously connected, in which case it shall be paid in full to the City Treasurer in full within 30 days from the date of invoice, except the following payment options are available:

- 3-year installment agreement for connection fees between \$500 and \$1,000. Pay 1/3 down within 30 days of date of invoice and sign an installment agreement. Interest rate will be the prime lending rate at the time of the agreement plus 1½%. Interest is charged starting 30 days after the invoice date and future installments will be entered on the tax roll for collection.
- 5-year installment agreement for connection fees over \$1,000. Pay 1/5<sup>th</sup> down within 30

days of date of invoice and sign an installment agreement. Interest rate will be the prime lending rate at the time of the agreement plus 1½%. Interest is charged starting 30 days after the invoice date and future installments will be entered on the tax roll for collection.

- 10-year installment agreement for connection fees over \$10,000. Pay 1/10<sup>th</sup> down within 30 days of date of invoice and sign an installment agreement. Interest rate will be the prime lending rate at the time of the agreement plus 1½%. Interest is charged starting 30 days after the invoice date and future installments will be entered on the tax roll for collection.
- Community Development Block Grant for connection fees over \$1,000. Applicant must be at 80% or less of median income for Sauk County and meet program qualifications. Funds are subject to availability. Application must be made to Community Development Authority and verification of application must be delivered to City Treasurer within 30 days of date of invoice. Interest will be waived during application process.
- Financial Hardship. A property owner who has a household income which is 50% or less of the medium income in Sauk County based upon the current published figures, or who is not eligible for a Community Development Block Grant loan as stated above, shall be eligible to repay the City for the connection fee at the rate of \$300 per year plus annual interest of 3% until paid. The Community Development Authority staff shall verify low-income eligibility and shall make a recommendation as to such eligibility to the City Council. If there is an outstanding balance at the time of sale of the property, the remaining balance shall become due. A property owner requesting financial hardship eligibility shall submit a copy of their current year State of Wisconsin tax return if filed, or otherwise show proof of annual household income.
- Balance on Tax Roll. If the property owner does not pay in full within 30 days from the invoice date or qualify for an installment plan, the entire balance will be placed on the next tax roll as a special charge for collection with interest added at 1% per month (APR 12%).

In all cases, the deferral of payment shall be become immediately due and payable to the City, without notice, if the property owner defaults in the payment of any installment for a period of 30 days following the specified due date thereof, or if the property owner shall transfer, sell or convey any legal or equitable interest in the lot or parcel subject to the special tax herein. If all or any part of any installment is not made in accordance with the terms of this resolution, the entire unpaid principal balance, together with the accrued interest thereon, shall at the City's option, be deemed to be delinquent and said amount shall be applied to the

current or next property tax roll as a delinquent special tax against the subject lot or parcel of land and immediately upon being placed on the tax roll as a delinquent special tax, interest shall accrue thereon, at the then existing rate for delinquent taxes, and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply.

### 13.38 SANITARY SEWER CONNECTION CHARGE FOR LANDS SERVED BY THE BARABOO NORTHEAST QUADRANT SANITARY SEWER SYSTEM. (2113 02/11/03)

- (1) BACKGROUND AND PURPOSE. In the City of Baraboo 1992 Comprehensive Master Plan, it was projected that residential development would occur to the north and east of the City along the County Highway T corridor. The Master Plan projected that the development of this area for residential purposes was well suited because the land was well drained, has the benefit of nearly exclusive gravity sewer flow, and the City's existing water storage facilities can be used to accommodate residential development. The Master Plan stated that gravity sewer collection is more economical to implement and maintain. The development of the lands lying east of County Highway T began in 1995 when certain lands lying east of County Highway T were annexed into the City.

In 1995, the City of Baraboo commenced a two-phase sanitary sewer project intended to serve the future development of lands lying east of County Highway T (Taft Avenue) and also certain lands lying west of

County Highway T and north of 12<sup>th</sup> Street. This project has been designated as Phase I of the Baraboo Northeast Quadrant Sanitary Sewer Project. Phase I of this project involved the construction of a public sanitary sewer main on the west side of County Highway T commencing at a point 720 feet north of 12<sup>th</sup> Street and proceeding north therefrom to 15<sup>th</sup> Street. The City expended the sum of \$35,087 for the sanitary sewer portion of this project.

In 2000, the City of Baraboo Common Council authorized the commencement of a condemnation proceeding to install a public sanitary sewer main commencing at a point 720 feet north of 12<sup>th</sup> Street and proceeding northeast therefrom to a point along the boundary of the First Addition to Active Living Options Subdivision. This phase of the project has been designated as the Phase II Baraboo Northeast Quadrant Sanitary Sewer Project.

In the Phase II Baraboo Northeast Quadrant Sanitary Sewer Project, the City entered into a

development agreement with Active Living Options - RWW, LLC, which agreement provided that the City would pay the first \$50,000 of the Phase II sanitary sewer construction project and Active Living Options would pay the balance. Active Living Options has reimbursed the City for its share of the Phase II costs in the sum of \$43,692. The agreement between the City and Active Living Options provides that Active Living Options shall be reimbursed for up to 50% of the amount paid by Active Living Options based upon future connections to the Northeast Quadrant system over a five (5) year period pursuant to a formula established by the Public Service Commission in the Wisconsin Administrative Code, Ch. PSC 187, entitled Sewer Main Extension Cost Recovery. The agreement is on file in the office of the Baraboo City Clerk. The maximum amount that Active Living Options can be reimbursed under the agreement is 50% of the total amount paid or up to a maximum of \$21,846.

The total cost advanced by the City for the Phase I and Phase II Baraboo Northeast Quadrant Sanitary Sewer Project was \$85,087, plus the potential maximum reimbursement to Active Living Options - RWW, LLC, of \$21,846, for a total estimated cost of \$106,933. The City has determined that the Phase I and Phase II Baraboo Northeast Quadrant Sanitary Sewer Main can provide gravity sanitary sewer service to a territory approximately 337 acres in size. This territory is referred to herein as the Baraboo Northeast Quadrant Sanitary Sewer Territory. The purpose of this ordinance is to set a sewer connection charge to recover the actual expenditures incurred by the City in Phase I and Phase II of the Baraboo Northeast Quadrant Sanitary Sewer Project within a period of 10 years from the effective date of this ordinance. In order to recover the costs advanced by the City, the City hereby elects to proceed under the provisions of §66.0821, Wis. Stats., and to thereby establish the Baraboo Northeast Quadrant Sanitary Sewer Connection Charge. The City has determined that the connection charge should be paid on a per acre basis. Portions of an acre shall be paid on a pro-rata basis. The charge shall be paid on a per-acre basis on any lands located within the City and also located within the Baraboo Northeast Quadrant Sanitary Sewer Territory upon the occurrence of any of the following events, whichever occurs first:

- (a) Approval of a final subdivision plat or Certified Survey Map, or
- (b) Approval or granting of a conditional use permit special zoning exception, or issuance of a building permit.

This connection charge shall be in addition to any and all sewer service or connection fees imposed by other provisions of the City of Baraboo Municipal Code. The sanitary sewer connection charge imposed by this section is a sanitary sewer rate charged by the City and is not intended to be a charge levied as a special assessment. To establish the area subject to the connection charge, the City followed the proposed Sanitary Sewer Service Area Plan, which plan identifies the amount of residential growth that the City will likely experience in the next 20 years and where this growth is likely to occur. The proposed Sanitary Sewer Service Area Plan identifies a significant portion of the area served by the Baraboo Northeast Quadrant Sanitary Sewer main as a projected growth area under the City's proposed Sanitary Sewer Service Area Plan. The connection charge per acre has been calculated with the intent of recovering all costs actually expended by the City for the Baraboo Northeast Quadrant Sanitary Sewer Project within a 10-year period. Therefore, the

City has determined that a connection charge shall be imposed for the first 169 acres subject to the connection charge. Based upon the foregoing, the City has determined that a fair and reasonable connection charge is \$635 per acre to be paid as provided in Subs. (3) hereof.

- (2) DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this subsection of the Baraboo Code shall be as follows:

- (a) Northeast Quadrant Sanitary Sewer Territory.

An area of land in Sections 25, and 36 T12N, R6E and Sections 30, and 31, T12N, R7E, Sauk County, Wisconsin, described as follows:

Commencing at the southeast corner of Section 25; thence westerly along the south line of the SE ¼ of Section 25 a distance of 250 feet to the point of beginning of this description:

Thence north to the south line of the NE ¼ of the SE ¼ of Section 25; thence west along said south line southeast corner of the Highland Addition to the City of Baraboo; thence northerly along the easterly line of said subdivision to the southeast corner of the 1<sup>st</sup> Addition to the Highland Addition to the City of

Baraboo; thence north along the eastern boundary of the 1<sup>st</sup> Addition to the Highland Addition to the northeast corner of the 1<sup>st</sup> Addition to the Highland Addition; thence west along the north border of said 1<sup>st</sup> Addition to the southeast corner of CSM 2528; thence northerly along the east line of CSM 2528 to the southwest corner of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 25; thence northerly 1000 ft. along the west line of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 25; thence east to the east line of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 25; thence south along said east line 330 feet; thence east to the east line of the of the NW $\frac{1}{4}$  of Section 30 T12N, R7E, thence south to the southeast corner of said NW $\frac{1}{4}$ ; thence east along the north line of the NW $\frac{1}{4}$  - SE $\frac{1}{4}$  to the northeast corner of said NW $\frac{1}{4}$  - SE $\frac{1}{4}$  of Section 30, T12N, R7E; thence south along the east line of said SE $\frac{1}{4}$  to the north line of Section 31, T12N, R7E; thence westerly along said north line 1500 feet; thence south 250 feet; thence west 750 feet; thence south 200.00 feet; thence west 900 feet; thence south 200.00 feet; thence west 400 feet more or less to the west line of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 31, T12N, R6E; thence west 250 feet; thence north to the point of beginning. To be excluded from this description are all lands contained within the Active Living Options Subdivision.

A map is attached as an Appendix to this Ordinance.

- (b) Northeast Quadrant Sanitary Sewer Main. The public sanitary sewer main installed by the City commencing on the east side of County Highway T (Taft Avenue) at a point 720 feet north of 12<sup>th</sup> Street and proceeding north therefrom to 15<sup>th</sup> Street and also proceeding easterly and northeasterly therefrom through an easement in the NW  $\frac{1}{4}$  of Section 31, T12N, R7E, Town of Greenfield, Sauk County, Wisconsin, to a point along the boundary of the 1<sup>st</sup> Addition to the Active Living Options Subdivision.

- (c) Northeast Quadrant Sanitary Sewer Connection Charge. A special sanitary sewer rate applied by the City to lands within the Northeast Quadrant Sanitary Sewer Territory and lawfully annexed into the City of Baraboo. This special sanitary sewer connection charge is a sewer rate applied pursuant to the provisions of Section 66.0821, Wis. Stats., and shall be in addition to all other sanitary sewer charges or connection fees imposed by other provisions of the Baraboo Municipal Code.

(3) BARABOO NORTHEAST QUADRANT SANITARY SEWER CONNECTION CHARGE.

- (a) A Northeast Quadrant Sanitary Sewer connection charge of \$635 per acre, on a pro-rata basis, shall be paid to the City by the property owner of any lands within the City and within the Northeast Quadrant Sanitary Sewer Territory upon the occurrence of any one of the following events, whichever occurs first:

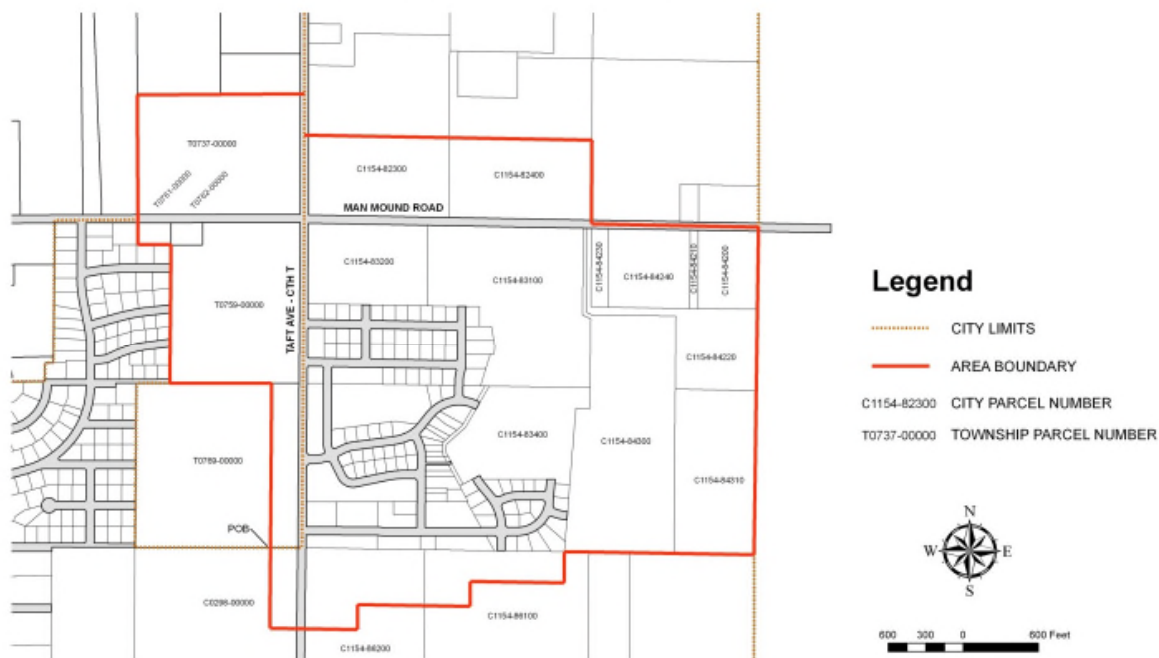
1. Approval of a final subdivision plat.
2. Approval of a Certified Survey Map.
3. Granting of a Conditional Use Permit or Special Zoning Exception.
4. Issuance of a building permit.

All lands included within a subdivision plat, Certified Survey Map, conditional use permit, special zoning exception, or building permit application shall be subject to the charge.

- (b) The City Treasurer shall maintain a record of all Northeast Quadrant Sanitary Sewer connection charges paid to the City. When the City has been paid the principal sum of \$85,087, plus the actual amount reimbursed to Active Living Options – RWW, LLC, the Northeast Quadrant Sanitary Sewer connection charge shall terminate.



## NORTHEAST QUADRANT SANITARY SEWER SYSTEM SERVICE AREA



3-11-11

APPENDIX TO ORDINANCE SECTION 13.38

### 13.39 (Reserved)

### 13.40 PENALTY.

- (1) Any person found to be violating any provisions of this subchapter shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (2) Any person who shall continue any violation beyond the time limit provided in sub. (1) above shall, upon conviction thereof, forfeit an amount not exceeding \$5,000 for each violation, together with the costs and assessments as provided by §25.04(1) of this Code. Each day in which any such violation shall continue shall be deemed a separate offense.
- (3) Any person violating any of the provisions of this subchapter shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

### **SUBCHAPTER IV: BARABOO STORMWATER UTILITY** (2192 04/12/2005, 2200 07/12/2005; 2365 10/11/2011)

### 13.41 FINDINGS AND DECLARATIONS OF POLICY. The City of Baraboo finds that the

management of stormwater and other surface water discharges within and beyond the City of Baraboo is a matter that affects the health, safety and welfare of the City, its citizens and businesses, and others in the surrounding area. Failure to effectively manage stormwater affects the sanitary sewer utility operations of the city by, among other things, increasing infiltration to the sanitary sewer. In addition, surface water runoff creates erosion of lands, damages businesses and residences, and creates sedimentation and other environmental damage in the City of Baraboo. In order to protect the health, safety, and welfare of the public, the City of Baraboo is exercising its authority to establish a Stormwater Utility for stormwater management services. The City is acting under the authority of Chs. 62.04, 62.11, 62.16, 62.175, 62.18, 66.0621, 66.0627, 66.0809, 66.0811, and 66.0821.

**13.42 ESTABLISHMENT.** There is hereby established a stormwater utility in the City of Baraboo. The operation of the stormwater utility shall be under the supervision of the City Engineer.

**13.43 AUTHORITY.** The city, acting through the stormwater utility, may acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage and finance such facilities, operations and activities, as are deemed by the city to be proper and reasonably necessary for a system of storm and surface water management. These facilities may include, without limitation due to enumeration, surface and underground drainage facilities, sewers, watercourses, retaining walls, ponds,

streets, roads, ditches and such other facilities as will support a stormwater management system.

**13.44 INTERPRETATION.** In their interpretation and application, the provisions of this Ordinance shall be interpreted liberally to secure the ends sought hereby and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

**13.45 SEVERABILITY OF ORDINANCE PROVISIONS.** If any section, provisions or portion of this Ordinance is adjudged unconstitutional or invalid by a court, the remainder of this Ordinance shall not be affected thereby.

**13.46 DEFINITIONS.** The following terms, whenever they occur in this Ordinance, are defined as follows:

- (1) **CHARGE.** Charge means the fee imposed under this chapter for the rendering of Stormwater Utility services by the City.
- (2) **DEVELOPED PROPERTY.** A property shall be considered to be developed if:
  - (a) A certificate of occupancy has been issued for a building or structure on the property or, if no certificate of occupancy has been issued, upon substantial completion of construction or final inspection; or
  - (b) Construction of an improvement on the property is at least fifty (50) percent completed and such construction has ceased for a period of at least 3 months, whether consecutive or not.
- (3) **EQUIVALENT RUNOFF UNIT** or "ERU." ERU means the basic unit by which the Stormwater Utility charge is calculated under this section. It is the statistical average horizontal impervious area of residential living units within the City of Baraboo on the date of the establishment of the Stormwater Utility. The horizontal impervious area includes, but is not limited to, all areas covered by structures, roof extensions, patios, porches, driveways, sidewalks, pavement, compacted clay, and gravel.
- (4) **IMPERVIOUS AREA.** Impervious area means a surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by rain water. The term includes, without limitation due to enumeration, all areas covered by structures, roof extensions, patios, porches, driveways, parking lots, pavement, gravel, compacted clay, loading docks and sidewalks, all as measured on a horizontal plane.
- (5) **LIVING UNIT.** Living unit means a room or group of rooms including cooking accommodations, occupied by

one family, and in which not more than two persons, other than members of the family, are lodged or boarded for compensation at any one time.

- (6) **MULTI-FAMILY UNIT.** Multifamily unit means any residential property comprised of two or more living units, including duplexes and condominiums.
- (7) **NONRESIDENTIAL PROPERTY.** Nonresidential property means a lot or parcel of land, with improvements such as a building, structure, grading or substantial landscaping, which is not exclusively residential as defined herein, including, but not limited to, commercial, industrial, institutional, mixed-use, and govern-mental property, and excluding publicly-owned right-of-way and publicly-owned or privately-owned rail beds.
- (8) **PARCEL.** Parcel means all contiguous lands under identical ownership. A railroad right-of-way, river, stream or any other public right-of-way shall constitute a break in contiguity.
- (9) **RESIDENTIAL PROPERTY.** Residential property means a lot or parcel of land developed exclusively for residential purposes, including single-family units and duplexes not exceeding one acre in area, and multifamily units. The term includes manufactured homes.
- (10) **RIGHT-OF-WAY.** Right-of-Way means a platted parcel of land that contains all or in part, a street, drainageway, sidewalk, bike path, or other public way, whether improved or un-improved, which has been designated on the City's official map adopted under Wis. Stat. § 62.23 that has been dedicated to the public or is otherwise owned by the City of Baraboo.
- (11) **SINGLE FAMILY UNIT.** Single family unit means any residential property, including manufactured homes, consisting of one dwelling unit.
- (12) **STORMWATER UTILITY.** Stormwater Utility means the utility established under this chapter for the purpose of managing stormwater and imposing charges for the recovery of costs connected with such stormwater management.
- (13) **UNDEVELOPED PROPERTY.** Undeveloped Property means property that is not developed by the addition of any improvement such as a building, structure, grading, substantial landscaping, or any other impervious area that increases stormwater runoff.

**13.47 BASIS OF CHARGE.** By this ordinance, the Common Council is establishing the rate classification and basis for computation of charge for stormwater services for each lot and parcel within the City of Baraboo. The actual charges to be imposed pursuant to these rate classifications, and any future changes in those rates, shall be made by resolution. A schedule of current rates, following approval by the Common Council shall be maintained and on file in the office of the City Engineer. All charges established pursuant to this chapter shall be fair and reasonable.

**EQUIVALENT RUNOFF UNIT CHARGE (ERU).** An equivalent runoff unit charge may be imposed on all property. The ERU charge shall be assessed based upon the impervious area as reasonably determined by the City Engineer.

**13.48 CUSTOMER CLASSIFICATION.**

- (1) **CUSTOMER CLASSES.** For the purposes of imposing the stormwater charges, all lots and parcels within the City area classified into the following five (5) customer classes.
  - (a) Residential – Single Family
  - (b) Residential – Multi-Family [two (2) or more living units]
  - (c) Non-Residential
  - (d) Undeveloped
  - (e) Right-of-Way
- (2) **PARCEL CLASSIFICATION.** The City Engineer shall assign a customer classification to each lot and parcel within the City of Baraboo.
- (3) **ERU.** The ERU is established to be 2,379 square feet.

**13.49 CHARGE FORMULAS.**

- (1) **RESIDENTIAL – SINGLE FAMILY.** The charges imposed for single family residential properties shall be one ERU times the number of living units, i.e.

Single family parcel charge = 1 x ERU fee

- (2) **RESIDENTIAL – MULTI-FAMILY** [Two (2) or more living units]. The charges imposed for residential properties with two or more living units shall be the fee of 0.67 of one ERU per living unit existing on the property, i.e.

Multi-family parcel charge = 0.67 x ERU fee x number of dwelling units

- (3) **NON-RESIDENTIAL.** The charges imposed for contiguous non-residential properties held by a common owner shall be the fee for one ERU, multiplied by the numerical factor obtained by dividing the total square footage of

impervious area of the property by the square footage of one ERU. The factor shall be rounded down to the nearest one-tenth (0.1), i.e.

Non-residential parcel charge = ERU fee x parcel impervious area ÷ 2,379 ft<sup>2</sup>

- (4) **UNDEVELOPED.** The charges imposed for undeveloped parcels as defined herein that are not 100% pervious shall be the fee of one ERU.  
Undeveloped parcel charge = 1 x ERU fee  
The charges imposed for undeveloped parcels as defined herein that are 100% pervious shall be exempt from any stormwater fee.
- (5) **RIGHT-OF-WAY.** Right-of-Way shall be exempt from any and all storm water fees.
- (6) **MINIMUM CHARGE.** The minimum charges for any lot or parcel charged a fee shall be equal to one (1) ERU, unless said lot or parcel is otherwise exempt.
- (7) **IMPERVIOUS AREA MEASUREMENT.** The City Engineer shall be responsible for determining the impervious area of nonresidential parcels based on the best available information, including, but not limited to, data supplied by the City Assessor, City Engineer, aerial photography, property owner, tenant, or developer. The City Engineer may require additional information as necessary to make the determination. The number of ERUs shall be updated by the City Engineer based on any additions to the impervious area as approved through the building permit process.

**13.50 FEES.** The Common Council shall, by resolution, set or adjust the service charge, ERU fee, and special charge to reflect the costs of the stormwater management program. Stormwater fees will be kept on file with the city clerk and City Engineer.

**13.51 ADJUSTMENTS.**

- (1) **ADJUSTMENTS.** A Customer may be eligible to have the number of ERUs assigned to their property adjusted under the conditions described below:
  - (a) Nonresidential Property. Nonresidential customers who believe the number of ERUs allocated to their property to be incorrect may submit an adjustment request to the City Engineer in writing. The allocated ERUs may be adjusted if the owner can provide

information showing the square footage calculation as determined in §13.49(6) is incorrect.

**(2) REVIEW PROCEDURE.**

- (a) Within thirty (30) days of the submission of a request to the City Engineer for an adjustment to the number of ERUs allocated to the property, the City Engineer shall issue a written recommendation as to whether the request for adjustment should be granted, denied or granted in part. The written recommendation shall also set forth the reason or reasons for such recommendation. The recommendation shall be sent to the customer by certified mail, and shall be provided to the Public Safety Committee of the Baraboo Common Council.
  - (b) Within thirty (30) days of receipt of the written recommendation from the City Engineer, the Public Safety Committee shall review the recommendation. The customer shall be notified of the review by certified mail.
  - (c) Upon review, the Committee shall determine whether the recommendation should be approved, rejected, or modified. The customer shall be allowed to present evidence at the hearing. The final determination of the Committee shall be in writing and set forth, in detail, the reason or reasons for its decision and shall inform the customer by certified mail.
  - (d) In reviewing a recommendation, the Committee shall apply the considerations set forth in Wis. Stat. §66.0821(4)(c).
- (3) **EFFECTIVE DATE.** Any ERU adjustment or reduced multiplier granted shall thereafter be used to calculate the stormwater fee. The reduction shall only apply for the period of time subsequent to the filing of the request for adjustment. There shall be no retroactive adjustment for user charges imposed prior to the filing of the request.

**13.52 BUDGET-EXCESS REVENUES.** The City shall separately account for the Stormwater Utility finances. The Stormwater Utility shall prepare an annual budget, which is to include all operation and maintenance costs, costs of borrowing and other costs related to the operation of the utility. The budget is subject to approval by the Common

Council. Any excess of revenues over expenditures in a year will be deposited in a stormwater maintenance fund, which will be used to defer the costs of capital improvements or to retire debt.

**13.53 BILLING.**

- (1) **BILLS.** Stormwater utility charges shall be billed to the property owner. The property owner shall be responsible for payment of the Stormwater Utility charge.
- (2) **LATE PAYMENT.** Failure to pay the charges when due will be subject to a late payment charge of 3 percent or \$0.50, whichever is greater, that will be added to bills not paid within 20 days of issuance.
- (3) **UNPAID CHARGES.** Unpaid charges shall be assessed as a lien against the property pursuant to §66.0821, Wis. Stats.

**13.54** (Reserved) (2347 10/10/2010)

OUTSIDE WATER SERVICE AREA - OVERALL

